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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI REGISTER

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December 1, 2005	January 3, 2006	January 29, 2006	February 28, 2006
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

EMERGENCY AMENDMENT

12 CSR 10-24.448 *[Proof of Identity and Proof of Social Security Number] Documents Required for Issuance of a Driver or Nondriver License or Instruction Permit.* The director proposes to amend the title and Purpose, delete sections (1) through (8) and add new sections (1) and (2).

EMERGENCY STATEMENT: *This emergency amendment is required to ensure enhanced identification requirements are used for the issuance of driver or nondriver licenses or instruction permits, including minimum data requirements and standards to ensure that a person who presents a form of identification is the person identified on that document and that such person is lawfully present in the United States and residing in Missouri. It is intended to clarify the documents required for both United States citizens and non-United States citizens. This action is being taken in order to ensure that Missouri's identification standards are reliable and that they parallel the federal government standards for issuing passports, military identity cards and identity cards for access to secure federal facilities. These specific documents further assist the department in correctly identifying the applicant, ensuring that the applicant is lawfully present and the duration of such person's lawful presence so that a dri-*

*ver or nondriver license or instruction permit issued by Missouri may be more widely accepted as a primary form of identification by other states, for boarding planes, and by the federal government for use in such programs as the Help America Vote Act. This emergency amendment is necessary to ensure public awareness of the documentation required to establish identity, lawful presence and residency and to preserve the compelling governmental interest of identifying applicants and confirming lawful presence and duration of stay prior to issuing Missouri driver or nondriver licenses, or instruction permits. It is necessary to require an early effective date for this amendment to coincide with Missouri statute passed by the 92nd General Assembly in Senate Bill 1233. The department undertook a lengthy and time consuming process to coordinate with the United States Custom Service what documentation should be required to ensure that accurate and consistent documentation is being used to correctly identify and determine the applicant's lawful presence. The United States Custom Service has now approved the documentation required as indicated in this amended rule. The director finds that there is an immediate danger to the public welfare in issuing a driver or nondriver license or instruction permit to applicants without proper identification and documentation of lawful presence and this danger can only be addressed through this emergency amendment. License applicants applying under the prior license standards have been issued documents that have resulted in some contact from the federal government indicating six (6)-year license documents were issued to persons who were not legally in this country and were of interest. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the *Missouri* and *United States Constitutions*. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed June 21, 2005, effective July 1, 2005, expires December 28, 2005.*

PURPOSE: *This amendment identifies the documents required when issuing driver and nondriver licenses or instruction permits to United States and non-United States citizens. This amendment is necessary due to the passage of Senate Bill 1233 from the 92nd General Assembly.*

PURPOSE: *This rule establishes the [documents] guidelines and documentation acceptable as proof of lawful presence, identity, [and] Social Security number and residency for driver[s] and nondriver[s] license or instruction permit applicants.*

[(1) An applicant is required to submit a minimum of two (2) documents for proof of identity (two (2) primary documents or one (1) primary and one (1) secondary document) when making an application for an original or duplicate driver's or nondriver's license.

(2) A renewal applicant is required to show only his or her current driver or nondriver license. If the license is unavailable, the license office clerk must obtain the digital image of the applicant's previous license transaction where a comparison of the image on the file can be made to the person in the office and require one (1) secondary document, or the clerk must require the applicant to submit two (2) primary documents or one (1) primary and one (1) secondary document for proof of identity.

(3) The primary document must contain the applicant's full legal name (including middle name if the applicant has one) and date of birth. The secondary document must contain the applicant's name and sufficient substantiating information for all/part of the information contained on the primary document.

(4) Primary documents acceptable as proof of identity include the following:

(A) U.S. or Canadian photo driver's license (including the U.S. and Canadian territories);

(B) U.S. or Canadian photo identification card/nondriver's license (including the U.S. and Canadian territories);

(C) Microfilm copy or image portfolio of a driver's license or identification card/nondriver's license certified by the issuing agency with an embossed seal of the issuing agency;

(D) Certificate of birth (U.S. or Canadian issued, including the U.S. and Canadian territories). Must be original or certified copy, have a seal and be issued by an authorized government agency such as the Bureau of Vital Statistics or State Board of Health. Hospital issued certificates and Baptismal certificates are not acceptable;

(E) Immigration and Naturalization Services (INS) documents (must be a valid unexpired document) as follows:

1. Certificate of Naturalization (N-550, N-570 or N-578);

2. Certificate of Citizenship (N-560, N-561 or N-645);

3. Northern Mariana Card;

4. American Indian Card;

5. U.S. Citizen Identification Card (I-179 or I-197);

6. Resident Alien Card (I-551);

7. Temporary Resident Identification Card (I-688);

8. Record of Arrival and Departure in a valid Foreign Passport (I-94);

9. Valid Foreign Passport containing an I-551 stamp;

10. U.S. Re-entry Permit (I-327);

11. Refugee Travel Document (I-571);

12. Employment Authorization Card (I-688A, I-688B, I-766); and

13. Record of Arrival and Departure, stamped Refugee. (I-94)—(Refugee I-94's will likely not be in a Foreign Passport);

(F) Canadian Immigration Record and Visa or Record of Landing (IMM 100);

(G) Active Duty, Retiree or Reservist Military Identification Card;

(H) Valid Passport, U.S. or Canadian (including the U.S. and Canadian territories). If Foreign Passport, appropriate INS document is also required;

(I) U.S. or Canadian issued learner's permit containing a photo (including the U.S. and Canadian territories); and

(J) Canadian Department of Indian Affairs issued identification card. Tribal issued cards and U.S. issued Department of Indian Affairs cards are not acceptable.

(5) Secondary documents acceptable as proof of identity include the following:

(A) All primary documents listed in section (4) of this rule;

(B) Court order. The order must contain full name, date of birth and court seal. Examples include, but may not be limited to, adoption document, name change document, and gender change document. It does not include abstract of criminal or civil conviction;

(C) INS documents listed in subsection (4)(E) of this rule which are expired one (1) year or less;

(D) Bureau of Indian Affairs Card/Indian Treaty Card. Tribal issued cards are not acceptable;

(E) Employer photo identification card;

(F) Foreign birth certificate. An Affidavit of Interpretation form as outlined in 12 CSR 10-24.446 must be completed and notarized when the birth certificate is in another language;

(G) Health insurance card;

(H) IRS/state tax form. A W-2 is not acceptable;

(I) Marriage certificate/license;

(J) Medical records from doctor/hospital;

(K) Military dependent identification card;

(L) Military discharge/separation papers;

(M) Parent/guardian affidavit. Parent/guardian must appear in person, prove his or her identity and submit a notarized affidavit regarding the child's identity. This affidavit only applies to minors;

(N) Gun permit;

(O) Pilot's license;

(P) School record/transcript that is certified with an embossed seal of the issuing school or department of education;

(Q) Social Security card. A metal card is not acceptable;

(R) Student identification card that contains a photo;

(S) Vehicle title. Vehicle registration is not acceptable;

(T) Photo public assistance card; and

(U) Prison release document.

(6) Additional documentation may be required if the documentation submitted is questionable or if the license office clerk has reason to believe the person is not who he or she claims to be.

(7) In exceptional circumstances where a primary or secondary document is not available, personnel authorized by the Director of Revenue may accept alternative documents to verify a person's identity.

(8) Documents acceptable as proof of Social Security number (SSN) include the following:

(A) Social Security card. A metal card is not acceptable;

(B) Letter from the Social Security Administration;

(C) IRS/state tax forms. W-2 Form is not acceptable;

(D) Financial statement containing the SSN;

(E) Payroll stub containing the SSN; and

(F) Military identification card containing the SSN.

If one of these documents is not available, personnel authorized by the Director of Revenue may use discretion in accepting other documents to verify the Social Security number.]

(1) All applicants for a driver or nondriver license or instruction permit must provide:

(A) Proof of lawful presence—proof of lawful presence must be shown for any new or renewal driver or nondriver license or instruction permit application. U.S. citizens who have previously verified lawful presence and the license record indicates such verification may not be required to show proof upon subsequent applications.

(B) Proof of identity—proof of identity must be shown for any new, renewal, or duplicate driver or nondriver license or instruction permit. The proof of identity document must contain the applicant's full legal name and date of birth. The document must match the person's current name unless a change of name is established by a court order, marriage certificate, marriage license, adoption papers (court order/amended birth certificate) or divorce decree. Only original documents or a photocopy bearing an original certification by the issuing authority is acceptable.

(C) Proof of Social Security number—proof of Social Security number must be provided for any new, renewal, or duplicate driver or nondriver license or instruction permit. Applicants who have previously verified Social Security number and the license record indicates such verification may not be required to show proof upon subsequent applications.

(D) Proof of residency—proof of residency must be shown upon application for a new, renewal or duplicate driver or nondriver license or instruction permit application.

(2) Documents acceptable as proof of lawful presence, identity, Social Security number and residency are available on the Department of Revenue's website <http://www.dor.mo.gov> or by mailing a written request to the Missouri Department of Revenue, PO Box 200, Jefferson City, MO 65105-0200, or by telephone (573) 751-2730.

AUTHORITY: sections 302.011, 302.130, 302.171, 302.181, 302.720, 302.735, RSMo Supp. 2004 and 302.080, RSMo 2000. Original rule filed March 27, 1998, effective Sept. 30, 1998. Emergency amendment filed Dec. 16, 2002, effective Dec. 26, 2002, expired June 23, 2003. Amended: Filed Dec. 16, 2002, effective May 30, 2003. Emergency amendment filed June 21, 2005, effective July 1, 2005, expires Dec. 28, 2005. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

EMERGENCY AMENDMENT

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services. The division is adding section (21).

PURPOSE: This amendment provides for the calculation of nursing facility Medicaid per diem rates effective for dates of service beginning July 1, 2005.

EMERGENCY STATEMENT: The Department of Social Services, Division of Medical Services by rule and regulation must define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance. For the fiscal year that begins July 1, 2005, the appropriation by the General Assembly did not include any funds for any per diem rate increases. The division must take proactive action to create an efficient and sustainable Medicaid program. This emergency amendment provides for the calculation of nursing facility Medicaid per diem rates effective for dates of service beginning July 1, 2005 to maintain the per diem calculations provided for in the emergency amendment filed March 21, 2005, effective for dates of service beginning April 1, 2005 and to provide for an additional provision which allows the state to adjust the per diem calculation for nursing facilities that operate at fifty percent (50%) of their licensed bed capacity with each resident residing in a private room. These adjustments to the calculation of nursing facility Medicaid per diem rates are necessary to ensure that payments for such nursing facility per diem rates are in line with the funds appropriated for that purpose. If the funds appropriated for the payment of medical assistance benefits at any time become insufficient to pay the full amount of the payment, no payment will be made through the Medicaid claims processing system. The Division of Medical Services is attempting to provide services within the means that taxpayers, through the General Assembly, have given the division. There are a total of four hundred ninety-nine (499) nursing facilities currently enrolled in Missouri Medicaid. Of the total, four hundred ninety-seven (497) nursing facilities have no rate reduction or rate increase; and two (2) nursing facilities have an increase, one (1) of which is over one dollar (\$1) per day and the other is over two dollars (\$2) per day. The continued availability of payment for mandatory nursing facility services to approximately twenty-five thousand (25,000) senior Missourians will ensure quality nursing facility services continue to be provided to Medicaid patients in nursing facilities. This emergency amendment will ensure continued payment throughout state fiscal year 2006 for nursing facility services. This emergency amendment must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to Medicaid patients in nursing facilities

for state fiscal year 2006. As a result, the Division of Medical Services finds an immediate danger to public health, safety and/or welfare and a compelling governmental interest, which requires emergency action. The Missouri Medical Assistance program has a compelling government interest in providing continued cash flow for nursing facility services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Division of Medical Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material was published in the *Missouri Register* on May 2, 2005. As a result of comments, the proposed amendment is revised in the order of rulemaking that will be filed with the Secretary of State after review by the Joint Committee on Administrative Rules. This emergency amendment was filed June 20, 2005, effective July 1, 2005, expires December 27, 2005.

(21) Per Diem Rate Calculation Effective for Dates of Service Beginning July 1, 2005. Effective for dates of service beginning July 1, 2005, the rebase provisions set forth in section (20) shall not apply. Effective for dates of service beginning July 1, 2005, the per diem rates shall be calculated using the same principles and methodology as detailed throughout sections (1)–(19) of this regulation, except that the data indicated in this section (21) shall be used.

(A) The audited 2001 cost report data shall be used to develop the databank and to determine each nursing facility's per diem rate. The audited 2001 cost report data; the licensed beds data; and the bed equivalencies data used to determine each nursing facility's final rate paid for dates of services effective July 1, 2004 shall be deemed final. This finalized data will be used as the base to calculate the rates effective July 1, 2005.

1. A new databank shall be developed using the audited 2001 cost report data set forth above in subsection (21)(A) for nursing facilities enrolled in the Medicaid program as of March 15, 2005 in accordance with subsection (4)(S).

2. The costs in the databank shall be trended using the second quarter indices from the First Quarter 2004 publication of the Health-Care Cost Review using the "CMS Nursing Home without Capital Market Basket" table. The costs shall be trended for the years following the cost report year, up to and including SFY 2005. The trends applied to the 2001 cost report data include the following:

A. 2002:2 = 3.2%

B. 2003:2 = 3.4%

C. 2004:2 = 2.3%

D. 2005:2 = 2.3%

E. The total trend applied to the 2001 cost report data is 11.2%.

3. The medians and ceilings shall be recalculated, based upon the trended costs included in the new databank.

4. The costs, beds, days, renovations/major improvements, loans, etc. from each facility's cost report included in the databank shall be used to calculate each nursing facility's rate. The costs reflected in each facility's cost report shall be trended as detailed above in paragraph (21)(A)2.

(B) The asset value used to determine the capital cost component, as set forth in subsection (11)(D), shall be based upon the 2004 publication of the RS Means Building Construction Cost Data. The asset value is determined by using the median, total cost of construction per bed for nursing homes from the "S.F., C.F., and % of Total Costs" table and adjusting it by the total weighted average index for Missouri cities from the "City Cost Indexes" table. The asset value shall be forty-one thousand seven hundred twenty-seven dollars and fifty cents (\$41,727.50).

(C) The age of the beds shall be calculated from 2004.

(D) The interest rate used in determining the capital cost component and working capital allowance, as set forth in subsections (7)(F), (11)(D), and (11)(E), shall be the prime rate as reported by the Federal Reserve and published in the *Wall Street Journal* on the first business day of June 2004 plus two percent (2%). The interest rate shall be the prime rate of four percent (4%), as published June 1, 2004, plus two percent (2%) for a total of six percent (6%).

(E) The rate of return used in determining the capital cost component, as set forth in subsection (11)(D), shall be the interest (i.e., coupon) rate for the most recent issue of thirty (30)-year Treasury Bonds in effect on the first business day of June 2004 plus two percent (2%). The rate of return shall be the thirty (30)-year Treasury Bond rate of 5.375%, effective June 1, 2004, plus two percent (2%) for a total of 7.375%.

(F) The administration and capital cost components shall be adjusted for minimum utilization at eighty-five percent (85%) occupancy.

(G) The high volume adjustment shall continue to be that determined for SFY 2004. The 2001 cost report shall continue to be used rather than the cost report ending in the third calendar year prior to the state fiscal year as set forth in part (13)(B)10.A.(I), and the remaining criteria and calculations set forth in paragraph (13)(B)10. shall continue to be that used in the SFY 2004 calculation. Therefore, facilities receiving the high volume adjustment for SFY 2004 shall continue to receive that same high volume adjustment which will be included in its rate effective for dates of service beginning July 1, 2005.

(H) Rate adjustment requests for replacement beds, additional beds, and/or extraordinary circumstances as set forth in paragraphs (13)(B)6., (13)(B)7. and (13)(B)8. are no longer allowed.

(I) Facility size and occupancy rate adjustment. If a facility qualifies for the facility size and occupancy rate adjustment, its facility size and occupancy rate shall be adjusted and used in the calculation of its per diem rate.

1. Qualifying criteria. A nursing facility may qualify for a facility size and occupancy adjustment if it meets all of the following criteria:

A. The facility has been operating only fifty percent (50%) of its licensed bed capacity; and

B. Every resident has been residing in a private room; and

C. The facility has been operating as such (as detailed in A. and B. above) from the beginning of their 2001 cost report period through the date the rate is effective as reported on the quarterly survey form, "Missouri Department of Health and Senior Services, Division of Senior Services and Regulation, ICF/SNF Certificate of Need Quarterly Survey" (form MO 886-9001(6-95)) (quarterly survey); and

D. The facility's intent for operating as such is to qualify for a Certificate of Need (CON) in accordance with section 197.318.9, RSMo 2000.

2. Calculation of adjusted facility size, adjusted occupancy rate and adjusted per diem rate.

A. Adjusted facility size. The facility size as defined in subsection (4)(BB) and used in the determination of a facility's capital cost component under the fair rental value system set forth in subsection (11)(D) shall be adjusted to reflect fifty percent (50%) of the licensed bed capacity.

B. Adjusted occupancy rate. The occupancy rate as defined in subsection (4)(MM) shall be adjusted to reflect fifty percent (50%) of the licensed bed capacity by adjusting the bed days used to determine the occupancy rate. The bed days shall be calculated using fifty percent (50%) of the licensed bed capacity and the adjusted occupancy rate shall be calculated by dividing the facility's total actual patient days by the adjusted bed days.

C. The adjusted facility size and the adjusted occupancy rate shall be used to determine the facility's per diem rate in accordance with the remaining provisions of this regulation.

3. The facility must notify the division in writing that it qualifies for this adjustment and provide the proper documentation, including the following:

A. A copy of the quarterly surveys from the beginning of the 2001 cost report period through the date the rate is effective, and

B. A copy of an approved CON obtained under section 197.318.9, RSMo 2000, or a written statement indicating the facility's intention of obtaining a CON under section 197.318.9, RSMo 2000, including a specific time line detailing when they plan to apply for the CON and when they plan to begin construction relative to the CON.

C. The division shall accept such written notification from facilities that qualify for this adjustment as of July 1, 2005 for up to thirty (30) days after the effective date of this amendment.

4. This adjustment shall only apply to nursing facilities with a prospective rate on July 1, 2005 and shall only be granted for the July 1, 2005 rate calculation.

5. Loss of facility size and occupancy rate adjustment and recalculation of per diem rate. If a facility's per diem rate has been set using an adjusted facility size and an adjusted occupancy rate and at least one of the conditions set forth below in parts (21)(I)5.A.(I)-(IV) is met, the facility will no longer receive the adjustment to the facility size and occupancy rate in determining its per diem rate and its per diem rate shall be recalculated.

A. The conditions for losing the facility size and occupancy rate adjustment include the following:

(I) The facility ceases to operate at fifty percent (50%) of its licensed bed capacity; or

(II) The facility ceases to operate with every resident residing in a private room; or

(III) The facility does not apply for a CON under section 197.318.9, RSMo 2000 within five (5) years of receiving the adjustment; or

(IV) The facility does not begin the construction relative to the CON obtained under section 197.318.9, RSMo 2000 within five years of receiving the adjustment.

B. If the facility size and occupancy rate adjustment is lost, the facility's per diem rate shall be recalculated using the unadjusted facility size as set forth in subsection (4)(BB) and the unadjusted bed days and unadjusted occupancy rate as set forth in subsection (4)(MM).

C. The facility must notify the division within thirty (30) days if it no longer qualifies for the facility size and occupancy rate adjustment as a result of meeting one (1) of the conditions listed above in subparagraph (21)(I)5.A.

(I) If the facility notifies the division of such within thirty (30) days, the effective date of the rate recalculation shall be the date that one (1) of the conditions set forth above in subparagraph (21)(I)5.A. is met. If more than one (1) of the conditions apply, the effective date shall be the earliest date. The facility shall repay the division any overpayment resulting from the loss of the facility size and occupancy rate adjustment.

(II) If the facility does not notify the division within thirty (30) days, the effective date of the rate recalculation shall be the date the facility size and occupancy rate adjustment was originally granted. The facility shall repay the division any overpayment resulting from the loss of the facility size and occupancy rate adjustment.

(J) The rates effective for dates of service beginning July 1, 2005 shall be determined, as set forth below:

1. A preliminary rate for July 1, 2005 shall be calculated using the same principles and methodology as detailed throughout sections (1)-(19) of this regulation and the updated items detailed above in subsections (21)(A)-(I).

2. The total increase resulting from the July 1, 2005 preliminary rate calculation shall be calculated as follows:

A. Each facility's rate as of June 30, 2004, less the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9., shall be compared to the July 1, 2005 preliminary rate calculation.

(I) The high volume adjustment, if applicable, and the NFRA shall not be included in the June 30, 2004 rate or the July 1, 2005 preliminary rate for comparison purposes in determining the total increase.

(II) The high volume adjustment, if applicable, and the current NFRA shall be added to the rate determined below in subparagraphs (21)(I)2.B. and (21)(I)2.C.;

B. If the July 1, 2005 preliminary rate is greater than the June 30, 2004 rate including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9., the difference between the two (2) shall represent the total increase. Effective for dates of service beginning July 1, 2005, one-third (1/3) of the total increase shall be added to the facility's rate as of June 30, 2004 including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9. The high volume adjustment, if applicable, and the current NFRA shall be added to that total and shall be the facility's prospective rate for dates of service beginning July 1, 2005;

C. If the July 1, 2005 preliminary rate is less than the June 30, 2004 rate including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9., the facility's prospective rate shall be the facility's rate as of June 30, 2004 including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9. plus the high volume adjustment, if applicable, and the current NFRA.

(K) Interim rates and rates for hospital-based facilities that do not submit cost reports due to having less than one thousand (1,000) patient days for Medicaid residents shall also be recalculated and increases given as set forth above.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000 and 208.225 and 208.225 (Senate Substitute for Senate Bill 539 as enacted by the 93rd General Assembly). Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 21, 2005, effective April 1, 2005, expires Sept. 27, 2005. Amended: Filed March 29, 2005. Emergency amendment filed June 20, 2005, effective July 1, 2005, expires Dec. 27, 2005.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

EMERGENCY AMENDMENT

13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services. The division is adding section (21).

PURPOSE: This amendment provides for the calculation of HIV nursing facility Medicaid per diem rates effective for dates of service beginning July 1, 2005.

EMERGENCY STATEMENT: The Department of Social Services, Division of Medical Services by rule and regulation must define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance. For the fiscal year that begins July 1, 2005, the appropriation by the General Assembly did not include any funds for any per diem rate increases. The division must take proactive action to create an efficient and sustainable Medicaid program. This emergency amendment provides for the calculation of HIV nursing facility Medicaid per diem rates effective for dates of service beginning July 1, 2005 to maintain the per diem calculations provided for in the emergency amendment filed March 21, 2005, effective for dates of service beginning April 1, 2005. These adjustments to the calculation of HIV nursing facility Medicaid per diem rates are necessary to ensure that payments for such HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. If the funds appropriated for the payment of medical assistance benefits at any time become insufficient to pay the full amount of the payment, no payment will be made through the Medicaid claims processing system. The Division of Medical Services is attempting to provide services within the means that taxpayers, through the General Assembly, have given the division. There is a total of one (1) HIV nursing facility currently enrolled in Missouri Medicaid. Of the total, the one (1) HIV nursing facility did not have a rate reduction or a rate increase. The continued availability of payment for mandatory HIV nursing facility services to approximately sixteen (16) disabled Missourians will ensure quality nursing facility services continue to be provided to Medicaid patients in HIV nursing facilities. This emergency amendment will ensure continued payment throughout state fiscal year 2006 for HIV nursing facility services. This emergency amendment must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to Medicaid patients in HIV nursing facilities for state fiscal year 2006. As a result, the Division of Medical Services finds an immediate danger to public health, safety and/or welfare and a compelling governmental interest, which requires emergency action. The Missouri Medical Assistance program has a compelling government interest in providing continued cash flow for HIV nursing facility services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Division of Medical Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material was published in the Missouri Register on May 2, 2005. This emergency amendment was filed June 20, 2005, effective July 1, 2005, expires December 27, 2005.

(21) Per Diem Rate Calculation Effective for Dates of Service Beginning July 1, 2005. Effective for dates of service beginning July 1, 2005, the rebase provisions set forth in section (20) shall not apply. Effective for dates of service beginning July 1, 2005, the per diem rates shall be calculated using the same principles and methodology as detailed throughout sections (1)–(19) of this regulation, except that the data indicated in this section (21) shall be used.

(A) The audited 2001 cost report data shall be used to develop the databank and to determine each nursing facility's per diem rate. The audited 2001 cost report data; the licensed beds data; and the bed equivalencies data used to determine each nursing facility's final rate paid for dates of services effective July 1, 2004 shall be deemed final. This finalized data will be used as the base to calculate the rates effective July 1, 2005.

1. A new databank shall be developed using the audited 2001 cost report data set forth above in subsection (21)(A) for nursing facilities enrolled in the Medicaid program as of March 15, 2005 in accordance with subsection (4)(S).

2. The costs in the databank shall be trended using the second quarter indices from the First Quarter 2004 publication of the Health-Care Cost Review using the "CMS Nursing Home

without Capital Market Basket” table. The costs shall be trended for the years following the cost report year, up to and including SFY 2005. The trends applied to the 2001 cost report data include the following:

- A. 2002:2 = 3.2%
- B. 2003:2 = 3.4%
- C. 2004:2 = 2.3%
- D. 2005:2 = 2.3%

E. The total trend applied to the 2001 cost report data is 11.2%.

3. The medians and ceilings shall be recalculated, based upon the trended costs included in the new databank.

4. The costs, beds, days, renovations/major improvements, loans, etc. from each facility’s cost report included in the databank shall be used to calculate each nursing facility’s rate. The costs reflected in each facility’s cost report shall be trended as detailed above in paragraph (21)(A)2.

(B) The asset value used to determine the capital cost component, as set forth in subsection (11)(D), shall be based upon the 2004 publication of the RS Means Building Construction Cost Data. The asset value is determined by using the median, total cost of construction per bed for nursing homes from the “S.F., C.F., and % of Total Costs” table and adjusting it by the total weighted average index for Missouri cities from the “City Cost Indexes” table. The asset value shall be forty-one thousand seven hundred twenty-seven dollars and fifty cents (\$41,727.50).

(C) The age of the beds shall be calculated from 2004.

(D) The interest rate used in determining the capital cost component and working capital allowance, as set forth in subsections (7)(F), (11)(D), and (11)(E), shall be the prime rate as reported by the Federal Reserve and published in the *Wall Street Journal* on the first business day of June 2004 plus two percent (2%). The interest rate shall be the prime rate of four percent (4%), as published June 1, 2004, plus two percent (2%) for a total of six percent (6%).

(E) The rate of return used in determining the capital cost component, as set forth in subsection (11)(D), shall be the interest (i.e., coupon) rate for the most recent issue of thirty (30)-year Treasury Bonds in effect on the first business day of June 2004 plus two percent (2%). The rate of return shall be the thirty (30)-year Treasury Bond rate of 5.375%, effective June 1, 2004, plus two percent (2%) for a total of 7.375%.

(F) The administration and capital cost components shall be adjusted for minimum utilization at eighty-five percent (85%) occupancy.

(G) Rate adjustment requests for replacement beds, additional beds, and/or extraordinary circumstances as set forth in paragraphs (13)(B)1., (13)(B)2. and (13)(B)3. are no longer allowed.

(H) The rates effective for dates of service beginning July 1, 2005 shall be determined, as set forth below:

1. A preliminary rate for July 1, 2005 shall be calculated using the same principles and methodology as detailed throughout sections (1)–(19) of this regulation and the updated items detailed above in subsections (21)(A)–(G).

2. The total increase resulting from the July 1, 2005 preliminary rate calculation shall be calculated as follows:

A. Each facility’s rate as of June 30, 2004, less the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)5., shall be compared to the July 1, 2005 preliminary rate calculation.

(I) The high volume adjustment, if applicable, and the NFRA shall not be included in the June 30, 2004 rate or the July 1, 2005 preliminary rate for comparison purposes in determining the total increase.

(II) The high volume adjustment, if applicable, and the current NFRA shall be added to the rate determined below in subparagraphs (21)(H)2.B. and (21)(H)2.C.;

B. If the July 1, 2005 preliminary rate is greater than the June 30, 2004 rate including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)5., the difference between the two (2) shall represent the total increase. Effective for dates of service beginning July 1, 2005, one-third (1/3) of the total increase shall be added to the facility’s rate as of June 30, 2004 including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)5. The high volume adjustment, if applicable, and the current NFRA shall be added to that total and shall be the facility’s prospective rate for dates of service beginning July 1, 2005;

C. If the July 1, 2005 preliminary rate is less than the June 30, 2004 rate including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)5., the facility’s prospective rate shall be the facility’s rate as of June 30, 2004 including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)5. plus the high volume adjustment, if applicable, and the current NFRA.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. and 208.225 (Senate Substitute for Senate Bill 539 as enacted by the 93rd General Assembly). Original rule filed Aug. 1, 1995, effective March 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 21, 2005, effective April 1, 2005, expires Sept. 27, 2005. Amended: Filed March 29, 2005. Emergency amendment filed June 20, 2005, effective July 1, 2005, expires Dec. 27, 2005.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of [Health Standards and Licensure] Senior Services and Regulation Chapter 81—Certification

EMERGENCY AMENDMENT

19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities.
The department is amending section (5).

PURPOSE: This amendment changes the minimum eligibility requirements for applicants seeking admission to a nursing facility as Title XIX recipients on or after July 1, 2005, by changing the required level-of-care point count requirement from eighteen (18) to twenty-one (21).

EMERGENCY STATEMENT: The Department of Health and Senior Services by regulation must define the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services. The Department of Health and Senior Services must implement House Bill 10, 93rd General Assembly, First Regular Session (2005), which appropriated funds for home and community-based services based on projected savings from an increase in the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services. For the fiscal year that ends June 30, 2006, House Bill 10 was predicated on projected budget savings of \$6,300,000 in general revenue and \$10,100,000 in associated federal funds, for a total budget savings of \$16,400,000. The department must take proactive action to create an efficient and sustainable home and community-based services program which serves those of greatest need with available funding. This emergency amendment provides for an

increase in the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services from eighteen (18) points to twenty-one (21) points. Since the level-of-care assessment is in increments of three (3) points, this amounts to an increase of one (1) step in calculating level-of-care. In order to realize the full budget savings contemplated by House Bill 10, the increase in the level-of-care point count must be effective at the beginning of the fiscal year, i.e., July 1, 2005. This adjustment to the minimum level-of-care point count is necessary to ensure that payments for home and community-based services are in line with the funds appropriated for that purpose. If the funds appropriated for the payment of home and community-based services at any time become insufficient to pay the full amount of the payment, no further payment will be made through the Medicaid claims processing system. By this emergency amendment, the department adopts a solution to this funding issue within the means that taxpayers, through the General Assembly, have given the department. At any given time, there are approximately thirty-five thousand (35,000) elderly and disabled adults receiving home and community-based services. There are a total of approximately ten thousand (10,000) such recipients who, at the time of their last assessment were assessed at eighteen points. During State Fiscal Year 2004, some three hundred forty-seven (347) persons who were assessed at only the eighteen (18)-point count level entered intermediate and skilled nursing facilities at various times during the year. The continued availability of payment for home and community-based services to approximately twenty-five thousand (25,000) senior Missourians who have been assessed at a level-of-care point count higher than eighteen (18) points will ensure that quality home and community-based services will continue to be provided to these Medicaid recipients. This emergency amendment that increases the minimum level-of-care point count from eighteen (18) to twenty-one (21) points will help to ensure that appropriated funds for home and community-based services will be available for those individuals with greater limitations on their activities of daily living. This emergency amendment must be implemented in a timely fashion to ensure that quality home and community-based services continue to be provided to those individuals with greater limitations on their activities of daily living. As a result, the Department of Health and Senior Services finds an immediate danger to public health, safety and/or welfare, and a compelling governmental interest, which require emergency action. The department has a compelling government interest in providing continued services for those individuals with greater limitations on their activities of daily living. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 20, 2005, effective July 1, 2005, expires December 27, 2005.

AUTHORITY: sections [207.020 and 208.159, RSMo 1986 and 208.153, RSMo Supp. 1991] 192.006 and 198.079, RSMo 2000 and 660.050, RSMo Supp. 2004. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 20, 2005, effective July 1, 2005, expires Dec. 27, 2005. A proposed amendment covering this same material is published in this issue of the Missouri Register.

(5) Assessed Needs Point Designations.

(D) An applicant or recipient will be determined to be qualified for skilled nursing care if s/he is determined to need care with an assessed point level of *[fifty-four (54)] twenty-one (21)* points or above, using the assessment procedure as stated in this section.

(E) An applicant or recipient will be determined to be qualified for intermediate nursing care if s/he is determined to need care with an assessed point level of *[eighteen] twenty-one* to forty-eight *[(18-48)] (21-48)* points using the assessment procedure as stated in this section.

(F) Applicants or recipients with *[twelve (12)] eighteen (18)* points or lower will normally be assessed as ineligible for Title XIX-funded intermediate or skilled nursing services in *[an]* a long-term care facility, unless they qualify as otherwise provided in subsections (5)(H) or (J), or both, of this rule.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

EXECUTIVE ORDER

05-15

WHEREAS, on June 23, 2005, the United States Supreme Court issued its decision in *Kelo v. City of New London*, which deals with eminent domain and the government's right to use eminent domain to acquire private property for public use; and

WHEREAS, the Court's decision greatly expands the right of government to seize private property—a home, farm, or small business—and give it to other private persons or entities just because they can generate greater tax and other revenues, and

WHEREAS, both the United States and Missouri Constitutions provide that no private property shall be taken for public use without just compensation; and

WHEREAS, in its decision the Court expressly provides that nothing in the decision precludes any State from placing further restrictions on the exercise of eminent domain; and

WHEREAS, it is in the public interest to determine the appropriate use by government of eminent domain to allow the taking of private property when there is a clear and direct public purpose, while at the same time protecting individual property rights.

NOW THEREFORE, I, Matt Blunt, Governor of Missouri, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby create and establish the Missouri Task Force on Eminent Domain.

The Task Force shall consist of nine (9) members appointed by the Governor. The Governor's General Counsel shall serve as Chair. All members shall serve at the pleasure of the Governor.

Members of the Task Force shall receive no compensation for their service to the people of Missouri but may seek reimbursement for their reasonable and necessary expenses incurred as members of the Task Force, in accordance with the rules and regulations of the Office of Administration, to the extent that funds are available for such purpose.

The Task Force is assigned for administrative purposes to the Missouri Department of Agriculture and the Missouri Department of Economic Development. The Directors of the Missouri Department of Agriculture and the Missouri Department of Economic Development shall be available to assist the Task Force as necessary, and shall provide the Task Force with any staff assistance the Task Force may require from time to time.

The Task Force shall meet at the call of its Chair, and the Chair shall call the first meeting of the Task Force as soon as possible.

The Task Force shall evaluate and make initial recommendations to me by October 1, 2005 on the following topics:

- Study the use of eminent domain, especially when the proposed public use of the property being acquired by eminent domain is not directly owned or primarily used by the general public.
- Analyze current state and federal laws governing eminent domain and recommending any changes that would enhance the effectiveness of these laws.
- Develop a definition of "public use" that allows state and local governments to use eminent domain when there is a clear and direct public purpose while at the same time ensuring that individual property rights are preserved.
- Develop criteria to be applied by state and local governments when the use of eminent domain is being proposed.
- Recommend specific eminent domain legislation for possible consideration by the Missouri General Assembly.

The Task Force shall prepare a final report and submit it to me by December 31, 2005.


The Task Force shall expire on December 31, 2005.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 28th day of June, 2005.


Matt Blunt
Governor


Robin Carnahan
Secretary of State

EXECUTIVE ORDER
05-16

WHEREAS, the Department of Labor and Industrial Relations, created by Section 286.010, RSMo, administers laws and programs relating to labor and employment; and

WHEREAS, the Labor and Industrial Relations Commission of Missouri, created by Article IV, Section 49 of the Missouri Constitution and Section 286.010, RSMo, hears appeals from all final decisions and awards in workers' compensation, unemployment compensation and victims of crime compensation cases at the highest administrative level, holds hearings and renders written decisions in prevailing wage disputes, and is composed of one public member, one employer representative and one employee representative; and

WHEREAS, the State Board of Mediation was created by Section 295.030, RSMo, and transferred to the Department of Labor and Industrial Relations by type II transfer under the Omnibus State Reorganization Act of 1974 and is composed of one public member who serves as chairman, two employer representatives and two employee representatives; and

WHEREAS, the primary duty of the State Board of Mediation is to determine the appropriate bargaining unit and conduct elections for public employees; and

WHEREAS, the consolidation of the State Board of Mediation's functions into the Labor and Industrial Relations Commission will benefit the citizens of the State of Missouri by promoting efficiency and reducing costs without losing the representation of the public, employer and employee positions; and

WHEREAS, the Governor, in consultation with the Director of the Department of Labor and Industrial Relations, has determined that the best way to accomplish this consolidation is to transfer the responsibilities, assets, functions and staff of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri with the Chairman of the Labor and Industrial Relation Commission assuming the duties of the Chairman of the State Board of Mediation.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Article IV, Section 12, Missouri Constitution, Chapter 26, RSMo, and the Omnibus State Reorganization Act of 1974, hereby transfer all the powers, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri.



ATTEST:

IN WITNESS WHEREOF, I have
hereunto set my hand and caused to
be affixed the Great Seal of the State
of Missouri, in the City of Jefferson,
on this 1st day of July, 2005.

A handwritten signature in black ink, reading "Matt Blunt".

Matt Blunt
Governor

A handwritten signature in black ink, reading "Robin Carnahan".

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION

Division 10—Commissioner of Administration

Chapter 8—Direct Deposit of Payroll Requirements

PROPOSED AMENDMENT

1 CSR 10-8.010 Direct Deposit of Payroll Requirements. The commissioner is amending sections (2) and (3) and deleting Exhibit A that follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment removes reference to an exhibit and instead lists the form number and revises the form submission guidance to reflect twice a month pay.

(2) Employees must complete a Payroll Direct Deposit application form *[(Exhibit A)]* (**MO 300-1269N**) to participate. The completed

application authorizes the Office of Administration to deposit (credit) the employee's net pay into a designated checking or savings account. It also authorizes an employee's account to be debited only when an error has occurred resulting in an overpayment to the employee.

(3) Departments must forward the Payroll Direct Deposit application forms to the Division of Accounting *[by the sixth workday of each month]* **as the information is received in the agency payroll office.** Payroll Direct Deposit of the employee's net pay will begin the *[next month]* **pay cycle** following the acceptance of a properly completed application form and the successful processing of a test transaction through the banking system.

AUTHORITY: section 33.155, RSMo [1994] 2000. Emergency rule filed July 17, 1990, effective Aug. 28, 1990, expired Dec. 24, 1990. Original rule filed July 17, 1990, effective Dec. 31, 1990. Amended: Filed Nov. 17, 1997, effective July 1, 1998. Amended: Filed June 16, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, Division of Accounting, Jack Dothage, Assistant Director, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 95—Committee for Professional Counselors Chapter 1—General Rules

PROPOSED AMENDMENT

4 CSR 95-1.020 Fees. The committee is proposing to amend subsection (1)(D).

PURPOSE: The Committee for Professional Counselors is statutorily obligated to enforce and administer the provisions of sections 337.500–337.540, RSMo. Fees are set so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 337.500–337.540, RSMo. Therefore, the committee is decreasing the biennial renewal fee.

(1) The following fees are established by the Committee for Professional Counselors and are payable in the form of a cashier's check, personal check, or money order:

(D) Biennial Renewal	<i>[\$200.00]</i> \$150.00
1. Renewal received 1–60 days late	\$ 50.00
2. Renewal received 61 days–2 years late	\$100.00

AUTHORITY: sections 337.507, RSMo Supp. 2004 and 337.520.1(2), RSMo 2000. Original rule filed Oct. 16, 1986, effective Jan. 30,

1987. For intervening history, please consult the Code of State Regulations. Amended: Filed June 23, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will save private entities approximately one hundred forty thousand dollars (\$140,000) biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Committee for Professional Counselors, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102 or via e-mail at profcounselor@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division 95—Committee for Professional Counselors****Chapter 1—General Rules****Proposed Amendment - 4 CSR 95-1.020 Fees**

Prepared June 1, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost savings of compliance with the amendment by affected entities:
2,800	Licensees (Renewal Fee Decrease - \$50)	\$140,000
	Estimated Biennial Cost Savings of Compliance for the Life of the Rule	\$140,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY04 actuals and FY05 estimates.
2. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

PROPOSED AMENDMENT

4 CSR 240-31.010 Definitions. The commission is amending sections (4), (9), (10) and (11).

PURPOSE: This amendment is being proposed to incorporate additional eligibility requirements for low-income customers consistent with federal guidelines.

(4) Disabled customer—Any customer who requests or receives residential essential local telecommunications service and who meets the definition of “disabled” set out in section 660.100.2, RSMo 2000 or a customer who has a dependent that meets the definition of “disabled” set out in section 660.100.2 and is residing in the customer’s household.

(9) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and who [has been certified by the Department of Social Services as economically disadvantaged by participation] **participates** in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, **National School Lunch Program’s free lunch program, Temporary Assistance for Needy Families or Low Income Home Energy Assistance Program (LIHEAP).**

(10) Missouri Universal Service Board (board)—The board established by section 392.248.1, RSMo [Supp.] 2000 and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.

(11) Missouri Universal Service Fund (MoUSF or Fund)—The universal service fund established by section 392.248, RSMo [Supp.] 2000 to be used:

AUTHORITY: sections 392.200.2, **RSMo Supp. 2004** and 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Emergency amendment filed May 31, 2005, effective June 10, 2005, expires Feb. 15, 2006. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission’s offices on or before September 1, 2005, and should include a reference to Commission Case No. TX-2005-0460. If comments are submitted via a paper filing, an original and six (6) copies of the comments are required. Comments may also be submitted via a filing using the commission’s electronic filing and information system at <http://www.psc.state.mo.us/efis.asp>. A public hearing regarding this proposed amendment is scheduled for September 12, 2005, at 10:00 a.m. in room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testi-

mony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

PROPOSED AMENDMENT

4 CSR 240-31.030 The Fund Administrator. The commission is amending sections (1) and (2).

PURPOSE: This amendment is being proposed to clarify that Fund Administrator records will only be made public upon review and approval by the Universal Service Board.

(1) The Fund Administrator may be an agency, individual, firm, partnership or corporation. It shall be neutral and independent from the commission, the public counsel and any telecommunications company. It may not have any financial interest in a telecommunications company as defined by section 386.020(51), RSMo [Supp. 1997] **2000**, or in any other communications company including, but not limited to, a wireless carrier or cable television company.

(2) The Fund Administrator shall be a fiduciary with trust company powers. It shall keep the books and records relating to its administration and operation of the Missouri Universal Service Fund (MoUSF) in accordance with generally accepted accounting principles. **[Said b/Books and records of the Fund Administrator shall be open records in accordance with Chapter 610, RSMo [Supp. 1997] 2000 and shall be audited on an annual basis by an independent auditor selected by the board. Records containing company-specific information shall not be open records unless release is approved and authorized by the board.**

AUTHORITY: sections 392.200.2, **RSMo Supp. 2004** and 392.248[, RSMo Supp. 1997] and 392.470.1, RSMo [1994] **2000**. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission’s offices on or before September 1, 2005, and should include a reference to Commission Case No. TX-2005-0460. If comments are submitted via a paper filing, an original and six (6) copies of the comments are required. Comments may also be submitted via a filing using the commission’s electronic filing and information system at <http://www.psc.state.mo.us/efis.asp>. A public hearing regarding this proposed amendment is scheduled for September 12,

2005, at 10:00 a.m. in room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

PROPOSED AMENDMENT

4 CSR 240-31.050 Eligibility for Funding—Low-Income Customers and Disabled Customers. The commission is amending sections (2) and (3), and relettering subsections as needed.

PURPOSE: This proposed amendment incorporates reporting requirements in subsections (2)(C) and (2)(D) consistent with federal guidelines. The proposed amendment also includes eligibility requirements and eligibility verification requirements in subsections (3)(E) and (3)(F) consistent with federal guidelines.

(2) Reporting Requirements.

(A) Telecommunications companies meeting the criteria of section (1) above will report the number of low-income customers and disabled customers receiving discounted services supported by the Missouri Universal Service Fund (MoUSF) to the Fund Administrator on a monthly basis; and

(B) The eligible telecommunications companies shall maintain a record of low-income customers and disabled customers receiving discounted services supported by the MoUSF by reporting period.

(C) The eligible telecommunications companies shall maintain records to document compliance with all requirements governing the low-income customer program for the three (3) full preceding calendar years and provide that documentation to the Commission or Fund Administrator upon request.

(D) Reporting Requirements for Wholesale or Resold Services.

1. If a telecommunications company provides low-income customer or disabled customer discounted wholesale services to a reseller, it must obtain a certification from the reseller that it is complying with all commission requirements governing the low-income customer or disabled customer programs.

2. Noneligible telecommunications company resellers that purchase low-income customer or disabled customer discounted wholesale services to offer discounted services to low-income or disabled consumers must maintain records to document compliance with all commission requirements governing the low-income customer or disabled customer programs for the three (3) full preceding calendar years and provide that documentation to the commission or Fund Administrator upon request or until audited.

(3) Individual Eligibility.

(D) Individuals who qualify for low-income or disabled support shall certify in writing on an application designed for that purpose that they are eligible for the programs. Such application shall require the applicant to certify under penalty of perjury that the individual receives benefits from one of the qualifying programs and identify the program or programs from which that individual receives benefits. On the same document, a qualifying low-income or disabled

individual also must agree to notify the carrier if that individual ceases to participate in the program or programs. **Such application shall be used to certify individuals for both state and federal low-income support.** The companies shall rely upon this certification to provide the benefits under these programs until [the] individuals advise[s] the company that they are no longer qualified or until the company is advised by the administrator that [the] individuals may not be eligible.

(E) The telecommunications company shall, by December 31, 2005, establish procedures to verify a customer's continued eligibility for the low-income or disabled customer program. Verification procedures may include, but are not limited to, compliance with federal verification requirements, random beneficiary surveys, periodic submission of documentation showing participation in qualifying programs or periodic self-certification updates.

(F) The telecommunications company shall terminate an individual's enrollment in the low-income customer or disabled customer program if the customer ceases to meet eligibility requirements. Notification of impending termination shall be in the form of a letter separate from the individual's monthly bill. Individuals shall be allowed sixty (60) days following the date of the impending termination letter to demonstrate continued eligibility to the telecommunications company. The telecommunications company shall terminate discounted services supported by the low-income customer or disabled customer program to any customer who fails to demonstrate continued eligibility within the sixty (60)-day time period.

[(E)](G) Any eligible individual submitting an application within sixty (60) days of initiating service will be entitled to the applicable low-income or disabled discounts from the date of service initiation. If applicable, the company may provide either a refund or credit, as determined by the company. Any eligible individual submitting an application after sixty (60) days of initiating service will begin receiving the appropriate discounts on a prospective basis.

[(F)](H) The [f]/Fund [a]/Administrator shall be authorized by the board to conduct audits of individual self-certification using records that can be lawfully made available from the administrators of qualifying programs. If as a result of these audits, the administrator determines that a recipient may not be eligible for low-income or disabled support, the individual shall be required to verify eligibility for continuing to receive support pursuant to administrative procedures established by the [f]/Fund [a]/Administrator and approved by the board.

AUTHORITY: sections 392.200.2, *RSMo Supp. 2004* and 392.248 and 392.470.1, *RSMo 2000*. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Emergency amendment filed May 31, 2005, effective June 10, 2005, expires Feb. 15, 2006. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before September 1, 2005, and should include a reference to Commission Case No. TX-2005-0460. If comments are submitted via a paper filing, an original and six (6) copies of the comments are required. Comments may also be submitted via

a filing using the commission's electronic filing and information system at <http://www.psc.state.mo.us/efis.asp>. A public hearing regarding this proposed amendment is scheduled for September 12, 2005, at 10:00 a.m. in room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

PROPOSED AMENDMENT

4 CSR 240-31.060 Assessments for MoUSF Funding. The commission is amending section (1) and (2), and subsection (5)(C).

PURPOSE: This proposed amendment clarifies various discrepancies in commission rules.

(1) All *[telecommunications companies]* **applicable carriers** providing telecommunications service as defined in section 386.020(53), RSMo 2000 in Missouri will be subject to assessment for contributions to the Missouri Universal Service Fund (MoUSF).

(2) Assessments for the MoUSF will be based on the Missouri net jurisdictional revenues of each *[telecommunications company]* **applicable carrier** and other nondiscriminatory factors as determined by the commission.

(5) Determination of Assessments.

(C) The board shall review the Fund Administrator's submission and *[approve]* **authorize** an appropriate percentage assessment to be submitted to the commission for approval to be made upon the applicable revenues to each Missouri *[telecommunications company]* **applicable carrier** to provide funding for the MoUSF.

AUTHORITY: sections 392.200[.2], **RSMo Supp. 2004** and 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before September 1, 2005, and should include a reference to Commission Case No. TX-2005-0460. If comments are submitted via a paper filing, an original and six (6) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.state.mo.us/efis.asp>. A public hearing

regarding this proposed amendment is scheduled for September 12, 2005, at 10:00 A.M. in room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

PROPOSED AMENDMENT

4 CSR 240-31.080 Applications for MoUSF Funds. The commission is amending sections (1)–(3).

PURPOSE: This amendment is being proposed to correct certain statutory and rule references.

(1) Any telecommunications company seeking to receive funds from the Missouri Universal Service Fund (MoUSF) must file a written application for same with the Fund Administrator. All application/s *for funds]* **forms** shall *[comply with the requirements of 4 CSR 240-2.060(1)(A)–(H) and 4 CSR 240-2.080.]* **include a statement that the information contained therein is consistent with this chapter and that any intentional false statement or declaration shall be referred for prosecution pursuant to section 575.060, RSMo Supp. 2004.** In addition, applications shall set forth the following information:

(A) Applications for funds to ensure the provision of reasonably comparable essential local telecommunications service throughout the state, including high cost areas, at just, reasonable and affordable rates (high cost assistance), shall include the following information:

1. That the applicant is a telecommunications company as that term is defined by section 386.020(51), RSMo *[Supp. 1997]* **2000;**

2. That applicant offers all essential local telecommunications service, throughout an entire high cost area using its own facilities, in whole or in part, and has carrier of last resort obligations in that high cost area;

3. The specific identity of the geographic area(s) which applicant believes to be high cost areas for which assistance is sought;

4. Documentation showing that the cost to applicant of providing essential local telecommunications service in high cost areas exceeds the just, reasonable and affordable rate for such service as determined by the commission;

5. The sources and amounts of support revenue; and

6. The rate reductions to maintain revenue neutrality; and

(B) Applications for funds to assist low-income customers and/or disabled customers in obtaining essential local telecommunications service shall include the following information:

1. That applicant is a telecommunications company as that term is defined by section 386.020(51), RSMo *[Supp. 1997]* **2000;** and

2. That applicant is providing essential local telecommunications service to low-income customers and/or disabled customers as defined by commission rule or procedures pursuant to a discounted rate established by the commission for such customers.

(2) Applications by the Fund Administrator for reimbursement of its reasonable, audited costs of administering the MoUSF shall be made in writing, *[and]* **shall be subscribed and verified** *[in accordance with 4 CSR 240-2.060(1)(F) and]* **under oath by one of the**

following methods: if an individual, by that individual; if a partnership, by an authorized member of the partnership; or if a corporation, by an authorized officer of the corporation. Applications shall include the following information:

(3) Applications for modification of support payments by a telecommunications company may be made at any time provided such telecommunications company can demonstrate that its cost of providing essential local telecommunications service has changed materially and that a modification in its support payment is appropriate and consistent with section 392.248, RSMo [Supp. 1997] 2000.

AUTHORITY: sections 392.200.2, RSMo Supp. 2004 and 392.248, RSMo Supp. 1997 and 392.470.1, RSMo [1994] 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before September 1, 2005, and should include a reference to Commission Case No. TX-2005-0460. If comments are submitted via a paper filing, an original and six (6) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.state.mo.us/efis.asp>. A public hearing regarding this proposed amendment is scheduled for September 12, 2005, at 10:00 a.m. in room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 50—Division of School Improvement Chapter 340—School Improvement and Accreditation

PROPOSED RESCISSION

5 CSR 50-340.200 Annual Public Reporting of Information by School Districts. This rule consolidated the state's reporting requirements and those included in No Child Left Behind regarding annual public reporting of information by school districts.

PURPOSE: This rule is being rescinded because the passage of House Bill 297 repealed the legislation which served as the basis for this rule.

AUTHORITY: sections 160.522 and 161.092, RSMo Supp. 2002. Original rule filed Oct. 25, 2001, effective May 30, 2002. Amended: Filed April 23, 2003, effective Nov. 30, 2003. Rescinded: Filed June 30, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Stan Johnson, Assistant Commissioner, School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 50—Division of School Improvement Chapter 345—Missouri School Improvement Program

PROPOSED RULE

5 CSR 50-345.300 Graduation Requirements for Students in Public High Schools

PURPOSE: This rule establishes minimum graduation requirements for public school districts.

(1) High School Graduation Requirements. Effective for the graduating class of 2010 and thereafter, the state minimum high school graduation requirements comprise twenty-four (24) units of credit that must be earned between grades nine (9) and twelve (12). The requirements are stated in terms of the number of units of credit that must be earned in each subject area:

Subject Area	Units of Credit
Communication Arts	4.0
Social Studies	3.0
Mathematics	3.0
Science	3.0
Fine Art	1.0
Practical Arts	1.0
Physical Education	1.0
Health Education	.5
Personal Finance	.5
Electives	7.0
Total Credits	24.0

(2) The minimum high school graduation requirements should focus on competencies and align with the Missouri Show-Me Standards and grade-level expectations. Missouri Show-Me Standards and grade-level expectations are located on the Department of Elementary and Secondary Education (DESE) website.

(3) Course Requirements. A student must earn a passing grade in a course that meets for at least seven thousand eight hundred thirty (7,830) minutes a year to earn one (1) unit of credit. Half- and quarter-units of credit may be earned for courses meeting proportionately fewer minutes. Alternative time schedules may be approved if requested by the district.

(4) Local Board Policies. Local boards of education must adopt and disseminate written policies concerning graduation. The policies must clearly set forth all requirements and all allowable variations. Local graduation policies must include at least the state minimum requirements and may exceed the state minimums by requiring more

total units of credit, requiring more units within a particular subject, or establishing additional requirements.

(5) Accommodation of Students with Disabilities. Local school boards must establish policies and guidelines that ensure students with disabilities have the opportunity to earn credits toward graduation in a nondiscriminatory environment.

(6) Variances and Substitutions. The state minimum graduation requirements cannot be applied with absolute uniformity in every case. Students' individual situations sometimes require consideration of variances and alternatives. If a local board chooses to allow these variances and alternatives, it must do so through officially adopted policies and through procedures that will ensure fair and consistent application of its policies.

AUTHORITY: section 161.092, RSMo Supp. 2004. Original rule filed June 30, 2005.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attn: Ginny Vandelicht, Assistant Director for School Improvement and Accreditation, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification
PROPOSED AMENDMENT**

5 CSR 80-800.200 Application for Certificate of License to Teach. The State Board of Education is amending sections (1), (11), and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003, makes language consistent with other rules, and updates the certification requirements for student services in the *Compendium of Missouri Certification Requirements*.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a doctoral degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium (revised [September 2004] February 2006), published by the Department of Elementary and Secondary Education, may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendment or additions.

(11) The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed [by marriage or court order] shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

AUTHORITY: sections 168.011, 168.405 and 168.409, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2004. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PRIVATE FISCAL NOTE**I. RULE NUMBER**

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment – 5 CSR 80-800.200 Application for Certificate of License to Teach

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fce @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The State Board of Education is amending section (1) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for student services in the Compendium of Missouri Certification Requirements.

(1) An applicant may be granted an administrator certificate of license to teach in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the State Board of Education (board), to an individual who possesses good moral character. Anyone interested in viewing or requesting a copy of the compendium (revised [September 2004] February 2006), published by the Department of Elementary and Secondary Education, may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions:

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2004 and 168.011, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE**I. RULE NUMBER**

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment – 5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach. The State Board of Education is amending the Purpose, sections (1), (3)–(27), and the *Compendium of Missouri Certification Requirements* which is incorporated by reference, and deleting sections (18)–(26).

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for student services in the Compendium of Missouri Certification Requirements.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a student services certificate of license to teach for school counselors, [advanced counselors,] school psychological examiners, school psychologists, [vocational] adult education supervisors, [post-secondary vocational] career education counselors, [vocational] career education placement coordinators, [vocational evaluators] and speech-language pathologists.

(1) An applicant for a student services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule. **Anyone interested in viewing or requesting a copy of the compendium (revised February 2006), published by the Department of Elementary and Secondary Education, may contact the Educator Certification Section, PO Box 480, Jefferson City, MO 65102-0480.** [and t]The criteria established in the rules, promulgated by the State Board of Education (board), to an individual who possesses good moral character is:

(A) School [Guidance Program Personnel] Counselor:

1. School counselor, grades K-8, and/or grades 7-12], and/or K-12; and/or

2. Advanced school counselor, grades K-12];

(B) School Psychological Services Personnel:

1. School psychological examiner, grades K-12 (to be discontinued 8-15-2015); and/or

2. School psychologist, grades K-12;

(C) [Vocational] Career Education Services Personnel:

1. [Vocational a]Adult education supervisor;

2. [Post-secondary vocational] Career education counselor (excluding K-[12/8]; and/or

3. [Vocational] Career education placement coordinator; [and/or]

[4. Vocational evaluator; and/or]

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (Highway Patrol) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for **submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and**

the payment of any fees required by the [Missouri] Highway Patrol and/or FBI.

[(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(4) The applicant shall [request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action] **submit verification of certification or licensure directly to DESE including information regarding any disciplinary action from each state or United States' territory regulatory entity in which a professional license, including a certificate of license to teach, is held or has ever been held.**

(5) The applicant for a student services certificate of license to teach as a school counselor [or advanced school counselor] must comply with the following additional criteria:

(B) The applicant must possess either:

1. A master's or higher degree in school counseling from a state-approved school counselor preparation program; or

2. A master's or higher degree [in counseling or counseling psychology,] with additional graduate course work specific to school counseling, as designated by the state-approved recommending certification official, including a supervised internship or field experience of at least three hundred (300) hours in an appropriate school setting; and

[(6) The applicant for a student services certificate of license to teach as an advanced school counselor must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved master's in school counseling or higher level program for the preparation of school counselors;

(B) The applicant shall complete a planned program of at least thirty (30) semester hours of graduate credit culminating in an educational specialist or doctoral degree with a major emphasis in school counseling from a state-approved program for the preparation of school counselors; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.]

[(7)](6) The applicant for a student services certificate of license to teach as a school psychological examiner must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved master's or higher level school psychological examiner preparation program; and

(B) The applicant must possess either:

1. A master's or higher degree from a state-approved school counselor preparation program; or

2. A master's or higher degree in counseling and counseling psychology, or an approved related field; and complete a designated graduate curriculum in the practice of the school psychological examiner, as specified by the recommending certification program, including a supervised internship or field experience in school psychological assessment of at least one hundred fifty (150) hours in an appropriate school setting.

[(8)](7) The applicant for a student services certificate of license to teach as a school psychologist must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved school psychologist preparation program;

(B) The applicant must possess an **education specialist's** degree in school psychology from a state-approved program; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) *[not to include the principles of learning and teaching]*, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE.

[(9)](8) The applicant for a student services certificate of license to teach as an *[vocational]* adult education supervisor must comply with the following additional criteria:

(A) The applicant must possess a baccalaureate level or higher degree from a state-approved college or university.

[(10)](9) The applicant for a student services certificate of license to teach as a *[post-secondary vocational]* **career education** counselor must comply with the following additional criteria:

(A) The applicant must possess a master's or higher level degree in school counseling, rehabilitation counseling or educational and counseling psychology from a state-approved college or university; **or a closely related area from a state-approved college or university or possess a baccalaureate degree in rehabilitation services with an emphasis in vocational/career education evaluation from a state-approved college or university;** and

(B) The applicant must possess two (2) years of teaching or counseling experience.

[(11)](10) The applicant for a student services certificate of license to teach as a *[vocational]* **career education** placement coordinator must comply with the following additional criteria:

(A) The applicant must possess a *[valid, unencumbered, undisciplined professional license or certificate from Missouri as a counselor;]* bachelor's degree or higher degree in a business-related field or human resources.

[(B)] The applicant must possess a Missouri certificate of license to teach as a counselor; or]

[(C)] The applicant must possess a Missouri vocational-technical certificate of license to teach.]

[(12)] The applicant for a student services certificate of license to teach as a vocational evaluator must comply with the following additional criteria:

(A) The applicant must possess a master's or higher level degree in vocational evaluation, counseling, or a closely related area from a state-approved college or university or possess a baccalaureate degree in rehabilitation services with an emphasis in vocational evaluation from a state-approved college or university.]

[(13)](11) The applicant for a student services certificate of license to teach as a speech-language pathologist must meet all the additional requirements in one (1) of the following areas:

(A) State Board of Registration for the Healing Arts:

1. The applicant must possess a master's or higher degree from a state-approved program for speech-language pathologists;

2. The applicant must possess a valid unencumbered, undisciplined Missouri license as a speech-language pathologist from the State Board of Registration for the Healing Arts; and

3. The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principals of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE; or

(B) Teacher Preparation Program:

1. The applicant must possess a master's or higher degree from a state-approved program for speech-language pathologists;

2. The applicant must obtain the recommendation of the designated certification official for a state-approved program for the preparation of a speech-language pathologist; and

3. The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principals of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE.

[(14)](12) Additional certificates of license to teach may be granted pursuant to rules promulgated by the board.

[(15)](13) An applicant for a Missouri student services certificate of license to teach who possesses a valid certificate of license to teach from another state *[closely aligned to a current certification area approved by the board;]* and possesses good moral character may be granted a Missouri **student services** certificate of license to teach.

[(A)] The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

[(B)] The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.]

[(C)] (A) The applicant shall submit the application on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints *[on cards provided by the board]* with the appropriate fee as set by the Missouri State Highway Patrol (Highway Patrol) and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

1. The applicant is responsible for submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and the payment of any fees required by the *[Missouri]* Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

[(16)](14) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

[(17)](15) An **initial** student services certificate of license to teach may be issued for a school counselor, school psychological examiner, **career education counselor, adult education supervisor, career education placement coordinator, speech-language pathologist** and/or school psychologist for a period of *[five (5)]* **four (4)** years and may be renewed *[an unlimited number of times]* as set forth in the compendium. *[The requirements for renewal are as follows:*

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor, school psychological examiner, or school psychologist in a school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by DESE; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university; or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors, school psychological examiners, or school psychologists.

(18) A student services certificate of license to teach may be issued for an advanced school counselor for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor in school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by DESE; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to counselors from a state-approved college or university; or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors.

(19) If a school counselor, advanced school counselor, school psychological examiner, and/or school psychologist seeks to renew their student services certificate of license to teach, however, the individual has not been employed in a school setting, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing eight (8) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university.

(20) A student services certificate of license to teach may be issued for a vocational adult education supervisor, for a period of five (5) years and may be renewed once by meeting the following criteria:

(A) Completion of a planned program of graduate credit focused upon general and vocational administration from a state-approved college or university to prepare vocational adult education supervisors. The planned program shall include a minimum of fifteen (15) hours of approved graduate credit, which meet the competencies identified for the certificate of license to teach;

(B) Confirmed attendance at three (3) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(21) A ten (10)-year student services certificate of license to teach as a vocational adult education supervisor may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Confirmed attendance at eight (8) vocational education conferences;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(C) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(22) The ten (10)-year student services certificate of license to teach as a vocational adult education supervisor may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school supervision during the previous ten (10) years;

(B) Confirmed attendance at eight (8) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours;

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of two (2) graduate semester hours related to adult vocational education.

(23) A nonrenewable student services certificate of license to teach may be issued for a post-secondary vocational counselor for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a post-secondary vocational counselor may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of two (2) years out of the previous five (5) years experience in counseling at the post-secondary level;

(B) Successful completion of a course in vocational education (if not taken as part of the individual's master's or higher level program);

(C) Confirmed attendance at eight (8) vocational education conferences; and

(D) Completion of one (1) of the following requirements:

1. Attendance at eight (8) professional workshops/seminars totaling fifteen (15) clock hours, appropriate for post-secondary counselors servicing individuals enrolled in vocational education; or

2. Completion of six (6) hours of graduate credit appropriate for post-secondary counselors.

(24) A nonrenewable student services certificate of license to teach may be issued for a vocational placement coordinator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a vocational placement coordinator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of a Missouri certificate of license to teach as a counselor or in a vocational-technical area;

(B) Possession of two (2) years out of the previous five (5) years experience as a vocational placement coordinator;

(C) Successful completion of a course in vocational education (if not taken as part of the individual's master's or higher level program); and

(D) Confirmed attendance at eight (8) vocational education conferences.

(25) A nonrenewable student services certificate of license to teach may be issued for a vocational evaluator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a vocational evaluator may be issued and renewed an unlimited number of times by the

individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Completion of two (2) years full-time employment as a vocational evaluator;

(B) Completion of the following course work:

1. Standardized testing;
2. Occupational information or job analysis; and
3. Two (2) courses with a primary focus in at least one

(1) of the following content areas:

A. Philosophy and process of vocational evaluation and assessment;

B. Individualized vocational evaluation planning;

C. Vocational evaluation report development and communication;

D. Work samples and systems;

E. Situational and community-based assessment;

F. Behavioral observation;

G. Functional aspects of disability;

H. Vocational interviewing;

I. Assessment of learning;

J. Functional skills assessment; and/or

K. Modifications and accommodations.

(26) A student services certificate of license to teach may be issued for a speech-language pathologist for a period of five (5) years and may be renewed an unlimited number of times by the individual meeting all the following criteria in one (1) of the following areas:

(A) State Board of Registration for the Healing Arts:

1. Written request for renewal; and

2. Verification of a valid, unencumbered and undisciplined Missouri license as a speech-language pathologist from the Missouri Board of Registration for the Healing Arts; or

(B) Teacher Preparation Program:

1. Written request for renewal;

2. Verification by the employing school district that the certificate holder has completed fifteen (15) contact hours of professional development per year:

A. Individuals who do not complete fifteen (15) contact hours of professional development each year, may within two (2) years make up the missing hours. The individual must first meet the fifteen (15) hour requirement for the current year and then count the excess hours as makeup hours;

B. A student services certificate of license to teach becomes inactive if the individual does not make up the requisite hours within two (2) years; and/or

C. A student services certificate of license to teach may be reactivated by the individual completing twenty-four (24) contact hours of professional development within six (6) months prior to or after the reactivation of the certificate. Failure of the individual to complete the twenty-four (24) contact hours within six (6) months will result in the certificate becoming inactive;

3. The student services certificate of license to teach holder is exempt from the fifteen (15) contact hours of professional development, if the holder has a local professional development plan in place with the school district and at least two (2) of the following:

A. Ten (10) years of state-approved teaching experience;

B. A master's degree from an accredited college or university; and/or

C. Certification from the National Board for Professional Teaching Standards; and

4. For the purposes of this rule, one (1) contact hour of professional development is defined as:

A. Sixty (60) minutes of professional development; or

B. One (1) hour college credit equals at least fifteen (15) contact hours of professional development.]

[(27)](16) The holder of a student services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a student services certificate of license to teach whose name is changed [by marriage or court order] shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a student services certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2004 and 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Dr. Charles Brown, Assistant Commissioner, Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480 or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment – 5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach. The State Board of Education is amending subsection (7)(D) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for student services in the Compendium of Missouri Certification Requirements.

(7) The applicant for a temporary authorization certificate (excluding a temporary authorization administrator's and/or career education certificate) must comply with the following criteria:

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of study based upon required certification competencies incorporated in classes provided by an accredited college or university. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from DESE based on the requirements set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule must be submitted. Anyone interested in viewing or requesting a copy of the compendium (revised [September 2004] February 2006), published by the Department of Elementary and Secondary Education, may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.083, RSMo Supp. 2004 and 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 5 -- Department of Elementary and Secondary Education

Division 80 -- Teacher Quality and Urban Education

Chapter 800 -- Educator Certification

Proposed Amendment -- 5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.270 Application for a Career Education Certificate of License to Teach. The State Board of Education is amending section (5) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for student services in the Compendium of Missouri Certification Requirements.

(5) The applicant must comply with the specific requirements for the various career education certificates of license to teach as set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium (revised *[September 2004/ February 2006]*, published by the **Department of Elementary and Secondary Education**, may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092, 168.021, 168.071 and 168.081, RSMo Supp. 2004 and 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment -- 5 CSR 80-800.270 Application for Career Education Certificate of License to Teach

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification
PROPOSED AMENDMENT**

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The State Board of Education is amending section (5) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for student services in the Compendium of Missouri Certification Requirements.

(5) The following AEL professional classification certificates of license to teach may be issued and renewed as set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium (revised [September 2004] February 2006), published by the **Department of Elementary and Secondary Education**, may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions:

AUTHORITY: sections 161.092, 168.021, 168.071 and 168.081, RSMo Supp. 2004 and 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment – 5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.290 Application for Substitute Certificate of License to Teach. The State Board of Education is amending sections (1) and (2), deleting section (3), and amending and renumbering section (4).

PURPOSE: This amendment changes the requirement of a background check to a fingerprint check in order to meet statutory requirements.

(1) An applicant for a substitute Missouri certificate of license to teach who has successfully completed sixty (60) semester hours or more of credit from an academic degree granting institution which is contained within the United States Department of Education's *Directory of Post-Secondary Institutions*, or approved by the Commissioner of Education and possesses good moral character may be granted a substitute Missouri certificate of license to teach for the period of August 1 to July 31. Applicants may reapply through the school district for another substitute certificate of license to teach pursuant to the rules promulgated by the State Board of Education (board).

(2) Applications for a substitute Missouri certificate of license to teach (including the background check *[form]* or **fingerprint request**) shall be submitted by the school district *[either]* through the Internet *[or on the forms provided by the board and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or by downloading from the Internet].*

[(3) An applicant for a substitute Missouri certificate of license to teach shall submit to a Missouri State Highway Patrol records check and any other background check required by the local school district.]

[(4)](3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board signed, and accompanied by **two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol (Highway Patrol) and/or Federal Bureau of Investigation (FBI)** and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for submitting the fingerprints in the manner acceptable to the Highway Patrol and/or FBI and the payment of any fees required by the Highway Patrol and/or FBI.

AUTHORITY: sections 161.092, 168.021, 168.071 and 168.081, RSMo Supp. [2003] **2004** and 168.011, RSMo 2000. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Jan. 26, 2000. Original rule filed July 30, 1999, effective Feb. 29, 2000. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment – 5 CSR 80-800.290 Application for Substitute Certificate of License to Teach

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas.

The State Board of Education is amending sections (2), (3), subsections (2)(H), (2)(I), and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003 and updates the certification requirements for student services in the Compendium of Missouri Certification Requirements.

(2) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows. Anyone interested in viewing or requesting a copy of the compendium (revised *[September 2004/February 2006]*), published by the Department of Elementary and Secondary Education, may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(H) Administrator certificates of license to teach may be issued in one (1) or more of the following areas:

1. Superintendent, grades K-12;
2. Principal, grades K-8, grades 5-9, and/or grades 7-12;
3. Special education *[administrator]* **director**, grades K-12;

and/or

4. Career education director, secondary or post-secondary;

(I) Student services certificates of license to teach may be issued in one (1) or more of the following areas:

1. School counselor, grades K-8[,] **and/or** 7-12[, *and/or* K-12];

[2. Advanced school counselor, grades K-12;]

[3.]2. School psychological examiner, grades K-12 (to be discontinued 8-15-2015);

[4.]3. School psychologist, grades K-12;

[5.]4. [Vocational a]Adult education supervisor;

[6.]5. [Post-secondary vocational] Career education counselor;

[7.]6. [Vocational] Career education placement coordinator;
and/or

[8. Vocational evaluator; and/or]

[9.]7. Speech-language pathologist, birth-grade 12;

(3) Certification requirements will be reviewed on a *[five (5)] seven (7)* calendar-year cycle. The Missouri Advisory Council of Certification for Educators (MACCE) will submit recommendations to the board and commissioner of education for their consideration, beginning September 1, 2004, regarding the status of certification requirements.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2004 and 168.011 and 168.405, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment – 5 CSR 80-800.350 Certificate of License to Teach in Content Areas

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications.

The State Board of Education is amending sections (1) and (16) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003, makes language consistent with other rules, and updates the certification requirements for student services in the Compendium of Missouri Certification Requirements.

(1) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board. Anyone interested in viewing or requesting a copy of the compendium (revised [September 2004] February 2006), published by the Department of Elementary and Secondary Education, may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(16) Student services certificates of license to teach may be issued to an individual [for five (5) or ten (10) years] and [may be] renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2004 and 168.011, 168.128, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 25, 2001, effective June 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment – 5 CSR 80-800.360 Certificate of License to Teach Classifications

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The State Board of Education is amending subparagraph (1)(A)2.B. and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates legislative changes from 2003, makes language consistent with other rules, and updates the certification requirements for student services in the Compendium of Missouri Certification Requirements.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate. An exemption exists if the applicant holds a valid certificate of license to teach from another state.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area assessments and the Principles of Learning and Teaching assessments developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. Qualifying scores are established by the board and published by ETS for each assessment designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must complete and achieve a Missouri qualifying score in the content knowledge or specialty area assessment in their major area of preparation or the appropriate principles of learning and teaching assessment if no content knowledge or specialty area assessment is designated, except in the areas of special education, student services, and administration (see Appendix A, which is included herein).

2. Applicants holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking an additional certificate(s) of license to teach in another content area(s), will receive the additional certificate(s) upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area assessment designated for the certificate of license to teach, except for the areas of unified science, special education other than mild/moderate cross-categorical disabilities, student services, administration, career education, and adult education and literacy; or

B. Successfully complete the applicable certification requirements as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium (revised [September 2004] February 2006), published by the Department of Elementary and Secondary Education, may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

3. Applicants holding a valid Missouri professional or life certificate of license to teach in a secondary content area who are seeking additional certification for middle school in the same content area, will receive the additional certification upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II: Principles of Learning and Teaching, grades five through nine (5–9), assessment; or

B. Successfully complete the applicable certification requirements for middle school education, grades five through nine (5–9), as set forth in the compendium.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2004, and 168.011, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003, effective April 30, 2004. Amended: Filed Sept. 22, 2004, effective April 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand seven hundred fifty dollars (\$1,750) in Fiscal Year 2006 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480, or by e-mail to Carolyn.Cryderman@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 5 – Department of Elementary and Secondary Education

Division 80 – Teacher Quality and Urban Education

Chapter 800 – Educator Certification

Proposed Amendment – 5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri

Prepared June 1, 2005, by the Division of Teacher Quality and Urban Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class likely to be affected by the adoption of the proposed amendment	Classification by type of the business entities likely to be affected:	Estimated annual cost of compliance with the amendment by affected entities:
50	Applicants (upgrade fee @ \$35)	\$1,750
	Estimated annual cost of compliance for the life of the rule	\$1,750

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The above figures are based on an estimate of applicants moving yearly from the initial level of certification to the career level.
2. It is anticipated that the total cost will recur annually and may vary with the number of applicants licensed or upgraded in a given year.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.180 Tournament Chips and Tournaments. The commission is amending sections (2) and (3).

PURPOSE: The commission proposes to amend this rule by removing the requirement for commission approval but imposing other tournament requirements.

(2) Tournament chips *[must]* shall be designed, manufactured, approved and used in accordance with the provisions of rules in this chapter applicable to chips and tokens, except as follows:

(A) Tournament chips *[must]* shall be of a shape and size and have such other specifications so as to be distinguishable from other chips and tokens used in the riverboat operation;

(B) Each side of each tournament chip *[must]* shall conspicuously bear the inscription—"No Cash Value";

(C) Tournament chips *[must]* shall not be used, and licensees shall not permit their use in transactions other than the tournaments for which they are issued; and

(3) *[No licensee may conduct a tournament without approval of the commission. Any tournament conducted by a licensee at the licensee's gaming establishment must be submitted for approval to the commission at least fifteen (15) days prior to the start of the tournament on a tournament request form provided by the commission.]* As used in this rule, a tournament is a contest offered and sponsored by a Class A licensee in which patrons may be assessed an entry fee, *or are selected through]* **or be required to meet** some other criteria *[approved by the commission,]* to compete against one another in a gambling game or series of gambling games in which winning patrons received a portion or all of the entry fees, **if any**, which may be increased with cash or non-cash prizes from the Class A licensee. **Class A licensees may conduct tournaments provided:**

(A) The licensee shall notify the gaming agent in charge at that property and the commission tax section of the planned tournament at least ten (10) calendar days before the first day of the event;

(B) The licensee shall conduct the tournament in compliance with all applicable rules, regulations and laws;

(C) The licensee shall maintain written, dated rules governing the event, and the rules shall be immediately available to the public and the commission upon request. Tournament rules shall at a minimum include:

1. The date, time and type of tournament to be held;
2. The amount of the entry fee, if any;
3. The minimum and maximum number of participants;
4. A description of the tournament structure, i.e., number of rounds, time period, players per table, and criteria for determining winner(s);
5. The prize structure, including amounts and/or percentages for prize levels; and
6. Procedures for the timely notification of entrants and the gaming agent in charge at the property and the refunding of entry fees in the event of cancellation;

(D) No false or misleading statements, written or oral, shall be made by a licensee or its employees or agents regarding any aspect of the tournament, and all prizes offered in the tournament shall be awarded according to the Class A licensee's rules governing the event. Tournaments shall not be structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri;

(E) The Class A licensee's accounting department shall keep a complete record of the rules of the event and all amendments thereto, including criteria for entry and winning, names of all entrants, all prizes awarded and prize winners, for a minimum of two (2) years from the last date of the tournament and shall be made readily available to the commission upon request;

(F) Entry fees shall be considered as buy-in except when paid with chips, tokens, or a ticket;

(G) Winnings paid in a free tournament shall not be deductible from adjusted gross revenue; and

(H) The Class A licensee's designated compliance officer shall be responsible for ensuring adherence to the rules set forth in this section.

AUTHORITY: sections 313.004, 313.805, 313.807 and 313.817, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Nov. 10, 1997, effective June 30, 1998. Amended: Filed May 6, 1999, effective Dec. 30, 1999. Amended: Filed July 9, 2004, effective Jan. 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m., on Thursday, September 8, 2005, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.181 [Giveaways and Promotions] Promotional Activities. The commission is amending sections (1)–(4) and adding new sections (4)–(7).

PURPOSE: The commission proposes to amend this rule to remove the requirement for commission approval of promotional activities and to impose additional record keeping requirements.

(1) For the purposes of this rule, the following words are defined as:

(A) **Promotional** *[G/giveaway—a promotional gift or [promotional] item [provided] given* by a licensee to any person meeting the licensee's promotional criteria, where the person provides no consideration and there is no chance or skill involved in the awarding of the promotional gift or *[promotional] item, and all persons meeting the criteria receive the same promotional gift or item;*

(C) **Promotional coupon**—any instrument offering any person something of value and issued by a Class A licensee **to entice the person to come to the Class A licensee's premises or** for use in or related to licensed gambling games at a licensee's gaming establishment;

(D) **Promotional game**—a **drawing, event, contest or game in**

which patrons of a Class A licensee may, without giving consideration, **participate** or compete for the chance to win a prize or prizes of different values.

(2) Class A licensees may provide **promotional** giveaways, *[to] issue promotional coupons or conduct promotional games or similar activities (collectively, "promotional activities")* for patrons or their employees without the **prior** approval of the commission, provided the *[giveaway complies with all applicable laws.]* **promotional activity** is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri and complies with the following:

(A) No false or misleading statements, written or oral, shall be made by a licensee or its employees or agents regarding any aspect of any promotional activity;

(B) The promotional activity shall comply with all applicable laws and regulations and shall not constitute illegal gambling under federal or state law. An affidavit of such compliance shall be signed by the legal counsel of the licensee and be maintained on file for two (2) years from the last day of the event;

(C) The Class A licensee shall create dated, written rules governing the promotional activity, which rules shall be immediately available to the public and the commission upon request. The licensee shall maintain the rules of the event and all amendments thereto, including criteria for entry and winning, prizes awarded, and prize winners, for a minimum of two (2) years from the last day of the event;

(D) All prizes offered in the promotional activity shall be awarded according to the Class A licensee's rules governing the event; and

(E) The licensee's employees shall not be permitted to participate as a player in any gambling game as defined in section 313.800.1(10), RSMo, including games for which there is no cost to participate; and

(F) The Class A licensee's designated compliance officer shall be responsible for ensuring adherence to the rules set forth in this section.

[(3) Class A licensees may conduct promotional games as a part of licensed gambling operations provided that any promotional game does not constitute illegal gambling under federal or state law and the licensee provides to the commission at least ten days prior to conducting the promotional game an affidavit in a form approved by the commission and signed by a legal counsel of the licensee certifying that the promotional game complies with all applicable laws.]

[(4) No licensee may issue a promotional coupon without approval of the commission. Promotional coupons must be submitted to the commission for approval at least fifteen (15) days prior to the requested date of issuance and shall include the following:]

(3) Promotional coupons shall contain the following information **preprinted on the coupon**:

(A) The name of the *[riverboat(s)]* gaming facility;

(B) The city or other locality and state where the *[establishment]* gaming facility is located;

(C) Specific value of any monetary coupon stated in U.S. dollars;

(D) Sequential identification numbers, **player tracking numbers**, or other similar means of unique identification for complete, accurate tracking and accounting purposes;

(E) A **specific** *[E]*expiration date/s/ or condition;

(F) All conditions required to redeem the coupon; and

(G) A statement that any change or cancellation of the promotion must be approved by the commission prior to the change or cancellation.

(4) Documentation of any change or cancellation of a promotional coupon shall be maintained on file for two (2) years with the legal counsel's affidavit.

(5) Class A licensees may use mass media to provide promotional coupon offers to prospective patrons; however, such offers may only be redeemed for a preprinted coupon that contains all of the information required for a promotional coupon in section (3) of this rule.

(6) Class A licensees offering promotional coupons shall track the issuance and redemption of each promotional coupon. Documentation of the promotional coupon tracking shall be maintained on file for two (2) years and made readily available to the commission upon request. The inventory of un-issued promotional coupons must be maintained in a reasonable manner that prevents theft or fraud.

(7) Promotional coupons shall be cancelled at the time they are redeemed in a manner that will prevent multiple redemptions of the same coupon.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000. Original rule filed July 9, 2004, effective Jan. 30, 2005. Amended: Filed June 30, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m., on Thursday, September 8, 2005, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 24—Drivers License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.448 *[Proof of Identity and Proof of Social Security Number] Documents Required for Issuance of a Driver or Nondriver License or Instruction Permit.* The director proposes to amend the title and Purpose and delete sections (1) through (8) and add new sections (1) and (2).

PURPOSE: This amendment identifies the documents required when issuing driver and nondriver licenses or instruction permits to United States and non-United States citizens. This amendment is necessary due to the passage of Senate Bill 1233 from the 92nd General Assembly.

PURPOSE: This rule establishes the [documents] guidelines and documentation acceptable as proof of lawful presence, identity, [and] Social Security number and residency for driver[s] and non-driver[s] license or instruction permit applicants.

[(1) An applicant is required to submit a minimum of two (2) documents for proof of identity (two (2) primary documents or one (1) primary and one (1) secondary document) when making an application for an original or duplicate driver's or nondriver's license.

(2) A renewal applicant is required to show only his or her current driver or nondriver license. If the license is unavailable, the license office clerk must obtain the digital image of the applicant's previous license transaction where a comparison of the image on the file can be made to the person in the office and require one (1) secondary document, or the clerk must require the applicant to submit two (2) primary documents or one (1) primary and one (1) secondary document for proof of identity.

(3) The primary document must contain the applicant's full legal name (including middle name if the applicant has one) and date of birth. The secondary document must contain the applicant's name and sufficient substantiating information for all/part of the information contained on the primary document.

(4) Primary documents acceptable as proof of identity include the following:

(A) U.S. or Canadian photo driver's license (including the U.S. and Canadian territories);

(B) U.S. or Canadian photo identification card/nondriver's license (including the U.S. and Canadian territories);

(C) Microfilm copy or image portfolio of a driver's license or identification card/nondriver's license certified by the issuing agency with an embossed seal of the issuing agency;

(D) Certificate of birth (U.S. or Canadian issued, including the U.S. and Canadian territories). Must be original or certified copy, have a seal and be issued by an authorized government agency such as the Bureau of Vital Statistics or State Board of Health. Hospital issued certificates and Baptismal certificates are not acceptable;

(E) Immigration and Naturalization Services (INS) documents (must be a valid unexpired document) as follows:

1. Certificate of Naturalization (N-550, N-570 or N-578);

2. Certificate of Citizenship (N-560, N-561 or N-645);

3. Northern Mariana Card;

4. American Indian Card;

5. U.S. Citizen Identification Card (I-179 or I-197);

6. Resident Alien Card (I-551);

7. Temporary Resident Identification Card (I-688);

8. Record of Arrival and Departure in a valid Foreign Passport (I-94);

9. Valid Foreign Passport containing an I-551 stamp;

10. U.S. Re-entry Permit (I-327);

11. Refugee Travel Document (I-571);

12. Employment Authorization Card (I-688A, I-688B, I-766); and

13. Record of Arrival and Departure, stamped Refugee. (I-94)—(Refugee I-94's will likely not be in a Foreign Passport);

(F) Canadian Immigration Record and Visa or Record of Landing (IMM 100);

(G) Active Duty, Retiree or Reservist Military Identification Card;

(H) Valid Passport, U.S. or Canadian (including the U.S. and Canadian territories). If Foreign Passport, appropriate INS document is also required;

(I) U.S. or Canadian issued learner's permit containing a photo (including the U.S. and Canadian territories); and

(J) Canadian Department of Indian Affairs issued identification card. Tribal issued cards and U.S. issued Department of Indian Affairs cards are not acceptable.

(5) Secondary documents acceptable as proof of identity include the following:

(A) All primary documents listed in section (4) of this rule;

(B) Court order. The order must contain full name, date of birth and court seal. Examples include, but may not be limited to, adoption document, name change document, and gender change document. It does not include abstract of criminal or civil conviction;

(C) INS documents listed in subsection (4)(E) of this rule which are expired one (1) year or less;

(D) Bureau of Indian Affairs Card/Indian Treaty Card. Tribal issued cards are not acceptable;

(E) Employer photo identification card;

(F) Foreign birth certificate. An Affidavit of Interpretation form as outlined in 12 CSR 10-24.446 must be completed and notarized when the birth certificate is in another language;

(G) Health insurance card;

(H) IRS/state tax form. A W-2 is not acceptable;

(I) Marriage certificate/license;

(J) Medical records from doctor/hospital;

(K) Military dependent identification card;

(L) Military discharge/separation papers;

(M) Parent/guardian affidavit. Parent/guardian must appear in person, prove his or her identity and submit a notarized affidavit regarding the child's identity. This affidavit only applies to minors;

(N) Gun permit;

(O) Pilot's license;

(P) School record/transcript that is certified with an embossed seal of the issuing school or department of education;

(Q) Social Security card. A metal card is not acceptable;

(R) Student identification card that contains a photo;

(S) Vehicle title. Vehicle registration is not acceptable;

(T) Photo public assistance card; and

(U) Prison release document.

(6) Additional documentation may be required if the documentation submitted is questionable or if the license office clerk has reason to believe the person is not who he or she claims to be.

(7) In exceptional circumstances where a primary or secondary document is not available, personnel authorized by the Director of Revenue may accept alternative documents to verify a person's identity.

(8) Documents acceptable as proof of Social Security number (SSN) include the following:

(A) Social Security card. A metal card is not acceptable;

(B) Letter from the Social Security Administration;

(C) IRS/state tax forms. W-2 Form is not acceptable;

(D) Financial statement containing the SSN;

(E) Payroll stub containing the SSN; and

(F) Military identification card containing the SSN.

If one of these documents is not available, personnel authorized by the Director of Revenue may use discretion in accepting other documents to verify the Social Security number.]

(1) All applicants for a driver or nondriver license or instruction permit must provide:

(A) Proof of lawful presence—proof of lawful presence must be shown for any new or renewal driver or nondriver license or instruction permit application. U.S. citizens who have previously verified lawful presence and the license record indicates such verification may not be required to show proof upon subsequent applications.

(B) Proof of identity—proof of identity must be shown for any new, renewal, or duplicate driver or nondriver license or instruction permit. The proof of identity document must contain the applicant's full legal name and date of birth. The document must match the person's current name unless a change of name is established by a court order, marriage certificate, marriage license, adoption papers (court order/amended birth certificate) or divorce decree. Only original documents or a photocopy bearing an original certification by the issuing authority is acceptable.

(C) Proof of Social Security number—proof of Social Security number must be provided for any new, renewal, or duplicate driver or nondriver license or instruction permit. Applicants who have previously verified Social Security number and the license record indicates such verification may not be required to show proof upon subsequent applications.

(D) Proof of residency—proof of residency must be shown upon application for a new, renewal or duplicate driver or nondriver license or instruction permit application.

(2) Documents acceptable as proof of lawful presence, identity, Social Security number and residency are available on the Department of Revenue's website <http://www.dor.mo.gov> or by mailing a written request to the Missouri Department of Revenue, PO Box 200, Jefferson City, MO 65105-0200, or by telephone (573) 751-2730.

AUTHORITY: sections 302.011, 302.130, 302.171, 302.181, 302.720, 302.735, RSMo Supp. 2004, and [302.171] 302.080, RSMo 2000. Original rule filed March 27, 1998, effective Sept. 30, 1998. Emergency amendment filed Dec. 16, 2002, effective Dec. 26, 2002, expired June 23, 2003. Amended: Filed Dec. 16, 2002, effective May 30, 2003. Emergency amendment filed June 21, 2005, effective July 1, 2005, expires Dec. 28, 2005. Amended: Filed June 21, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

PROPOSED AMENDMENT

13 CSR 40-2.200 Determining Eligibility for Medical Assistance.
The division is amending section (2).

PURPOSE: This amendment modifies the income limits for the Medical Assistance program after August 27, 2005.

(2) If a single individual has an adjusted gross income [of the current *SSI maximum*] per month [or less] that does not exceed the income limit and meets the other eligibility requirements, s/he will be eligible for MA. If eligibility is based on AB provisions, the income limit is one hundred percent (100%) of the federal poverty level (FPL). If eligibility is based on Old Age Assistance (OAA) or Permanent and Total Disability (PTD) provisions, the income limit is eighty-five percent (85%) of the FPL. For a married couple living together, the adjusted gross income limitation will be [the current *SSI maximum*] one hundred percent (100%) of the FPL for [the couple] two (2) persons if eligibility is based on AB provisions. For a married couple living together, the adjusted gross income limitation will be eighty-five percent (85%) of the FPL for two (2) persons if eligibility is based on OAA or PTD provisions. In determining adjusted gross income, the following exemptions will be applied to the gross income:

AUTHORITY: section 207.020, RSMo [1994] 2000. Original rule filed Sept. 26, 1951, effective Oct. 6, 1951. For intervening history, please consult the Code of State Regulations. Amended: Filed June 27, 2005.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions twenty-two thousand five hundred dollars (\$22,500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Family Support Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	13 CSR 40-2.200
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Division of Family Services	\$22,500.00

III. WORKSHEET

37,500 cases times two mailings equals 75,000 total letters, times \$0.30 bulk postage per letter equals \$22,500.00 total postage cost.

IV. ASSUMPTIONS

Approximately 37,500 households will be sent two letters notifying the affected clients. The cost will be \$0.30 per letter. Administrative costs are matched by the federal government at 50%. Therefore half, or \$11,250.00, would be general revenue cost and the other half, \$11,250.00, would be federal Medicaid cost.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 45—Hearing Aid Program**

PROPOSED AMENDMENT

13 CSR 70-45.010 Hearing Aid Program. The Division of Medical Services is amending section (2) and eliminating the form which follows the rule in the *Code of State Regulations*.

PURPOSE: This amendment eliminates hearing aid services for individuals who are not Medicaid eligible needy children or receiving Medicaid under a category of assistance for pregnant women or the blind as approved through Senate Substitute for Senate Bill 539 enacted by the 93rd General Assembly.

(2) [Eligibility] Persons Eligible. [Any person who is eligible for Title XIX benefits as determined by the Division of Family Services and who is found to be in need in accordance with the procedures listed in section (5) is eligible for a hearing aid.] The Missouri Medicaid Program pays for approved Medicaid services for hearing aid services when furnished within the provider's scope of practice to Medicaid eligible needy children or persons receiving Medicaid under a category of assistance for pregnant women or the blind. The recipient must be eligible on the date the service is furnished. Recipients may have specific limitations for hearing aid services according to the type of assistance for which they have been determined eligible. It is the provider's responsibility to determine the coverage benefits for a recipient based on their type of assistance as outlined in the provider program manual. The provider shall ascertain the patient's Medicaid/MC+ and managed care or other lock-in status before any service is performed. The recipient's eligibility shall be verified in accordance with methodology outlined in the provider program manual.

AUTHORITY: sections 208.153[, RSMo 1986] and 208.201, RSMo [Supp. 1988] 2000, and Senate Substitute for Senate Bill 539 enacted by the 93rd General Assembly, 2005. This rule was previously filed as 13 CSR 40-81.120. Emergency rule filed June 1, 1979, effective June 11, 1979, expired Sept. 13, 1979. Original rule filed June 1, 1979, effective Sept. 14, 1979. Emergency amendment filed April 10, 1981, effective April 20, 1981, expired July 10, 1981. Amended: Filed April 10, 1981, effective July 11, 1981. Rescinded and readopted: Filed July 18, 1989, effective March 1, 1990. Amended: Filed June 29, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate over the life of this rule.

PRIVATE COST: This proposed amendment will cost private entities a range of zero (0) to 1.6 million dollars annually, based on state fiscal year 2004 utilization, over the life of this rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE**PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	13 CSR 70-45.010 Hearing Aid Program
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the count of compliance with the rule by the affected entities:
370,000 The above number is net after adjusting for eligibles who no longer qualify for Medicaid based on Senate Bill 539 provisions	All Medicaid recipients excluding eligible needy children, pregnant women, and blind persons	Services will be systematically denied and providers will not be reimbursed

III. WORKSHEET

The private cost of this proposed amendment is \$1.6 million annually, based on the state fiscal year 2004 utilization of Hearing Aid Program services, over the life of the rule. The amount excludes payments for services for children and individual who are in a Medicaid eligibility category for pregnant women or the blind.

IV. ASSUMPTIONS

The proposed amendment eliminates the Hearing Aid Program benefit for recipients who are not Medicaid eligible needy children and for those who are not receiving Medicaid assistance through a category of assistance for pregnant women or the blind.

The Hearing Aid Program benefit for Medicaid eligible needy children and individuals eligible to receive Medicaid under a category of assistance for pregnant women and the blind will remain unchanged.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of [Health Standards and Licensure] Senior Services and Regulation
Chapter 81—Certification**

PROPOSED AMENDMENT

19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities. The department is amending sections (1)–(5). and deleting the forms that follow this rule in the *Code of State Regulations*.

PURPOSE: This amendment changes the minimum eligibility requirements for applicants seeking admission to a long-term care facility by changing the level-of-care assessment point count requirement from eighteen (18) to twenty-one (21) for an applicant seeking admission to a long-term care facility on or after July 1, 2005. Additionally, this amendment changes the name of the agency throughout the rule due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, updates and clarifies definitions of terms, updates and clarifies level-of-care criteria, clarifies “periodic assessment” of determination of needs, clarifies how DA-124 A/B and C forms may be obtained and specifically updates the level-of-care point system.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) For purposes of this rule only, the following definitions shall apply:

[(C)] *Initial determination of level-of-care need*—the original decision whether an individual qualifies for either intermediate nursing care or skilled nursing care;]

(C) *Initial assessment forms*—the forms utilized to collect information necessary for a determination of level-of-care need pursuant to 19 CSR 30-81.030 and designated Forms DA-124 A/B (dated 6-05) and DA-124 C (dated 4-05) and Notice To Applicant Form, DA-124C ATT. (attachment) (dated 12-01), incorporated by reference in this rule and available through the Department of Health and Senior Services website: www.dhss.mo.gov or by mail at: Department of Health and Senior Services Warehouse, Attention General Services Warehouse, PO Box 570, Jefferson City, Missouri 65102-0570, telephone; (573) 526-3861; fax: (573) 751-1574, shall be considered the approved Initial Assessment Forms. This rule does not incorporate any subsequent amendments or additions.

[(E)] *Inspection of care (IoC)*—a formal review conducted at least annually for each Title XIX recipient in a certified long-term care facility to assure services are adequate to meet health, rehabilitation and social needs of the recipient;

(F) *Intermediate care facility (ICF)*—as defined in section 198.006, RSMo;

(G) *Intermediate nursing care*—twenty-four (24)-hour care provided under the daily supervision of a licensed practical nurse or a registered nurse;

(H) *Long-term care facility*—a skilled nursing facility (SNF), an intermediate care facility (ICF) or a hospital which provides skilled nursing care or intermediate nursing care in distinct part or swing bed under Chapter 197, RSMo;]

[(I)] *Plan I facility*—an ICF facility which has made private utilization review arrangements through a committee of professionals not directly involved with the facility;

[(J)] *Plan II facility*—an ICF facility which has no private utilization review arrangements and must be reviewed by the state;]

(E) *Level-of-care assessment*—the determination of level-of-care need based on an assessed point count value for each category cited in subsection (4) (B) of this rule;

(F) *Level-of-care need*—the decision whether an individual qualifies for long-term care facility care;

(G) *Long-term care facility*—a skilled nursing facility (SNF), an intermediate care facility (ICF) or a hospital which provides skilled nursing care or intermediate nursing care in distinct part or swing bed under Chapter 197, RSMo;

[(K)] (H) *Pro re nata (PRN)*—medication or treatment ordered by a physician to be administered as needed, but not regularly scheduled;

[(L)] (I) *Recipient*—any resident in a certified long-term care facility who is receiving inpatient Title XIX assistance;

[(M)] (J) *Redetermination of level-of-care*—the periodic assessment of the recipients’ continued eligibility and need for continuation at the previously assigned level-of-care[;]. **Periodic assessment includes but is not limited to the following:**

1. **Assessment of new admissions to a long-term care facility;**

2. **Assessment of a change in mental and or physical status for a resident who is being readmitted to a long-term care facility after transfer to an acute care facility, and the previous DA-124 A/B or C forms do not reflect the resident’s current care needs; and**

3. **Assessment of DA-124 forms as requested by Department of Social Services, Family Support Division;**

[(N)] (K) *Resident*—[as defined in section 198.006, RSMo] a person seventeen (17) years or older who by reason of aging, illness, disease, or physical or mental infirmity receives or requires care and services furnished by a long-term care facility and who resides in, is cared for, treated or accommodated in such long-term care facility for a period exceeding twenty-four (24) consecutive hours; and

[(O)] *Skilled nursing care*—is a twenty-four (24)-hour care requiring specialized judgment by licensed nursing personnel provided under the daily supervision of a registered nurse;

(P) *Skilled nursing facility (SNF)*—as defined in section 198.006, RSMo; and

(Q) *Utilization review (UR)*—a review of all inpatient Title XIX recipients who are residents in long-term care facilities to assure the recipients are receiving appropriate levels of care and continued stay is necessary.]

(L) **The department—Department of Health and Senior Services.**

(2) **Initial Determination of Level-of-Care Needs Requirements.**

[(A)] *The Division of Aging staff or its designated agents, or both, will conduct a review and assessment of the evaluations made by the attending physician pursuant to 42 CFR Section 456.270 for an applicant in or seeking admission to an SNF, or of the evaluation made by the interdisciplinary team pursuant to 42 CFR Section 456.370 for an applicant in or seeking admission to an ICF, for the purpose of making an initial determination of level-of-care need. The review and assessment shall be conducted in accordance with 42 CFR Sections 456.271 and 456.371 for applicants in or seeking admission to an SNF or ICF respectively and the assessment criteria in section (5) of this rule and it shall be completed within ten (10) working days from receipt by the Division of Aging central office of the completed evaluation required under 42 CFR Section 456.270 or 456.370. No Title XIX*

payment for intermediate or skilled nursing care services in a certified long-term care facility be made prior to completion of the review and assessment process.]

(A) For the purpose of making a determination of level-of-care need and in accordance with 42 CFR sections 456.370 and 483.104, the department or its designated agents, or both, will conduct a review and assessment of the evaluations made by the attending physician for an applicant in or seeking admission to a long-term care facility. The review and assessment shall be conducted using the criteria in section (5) of this rule.

(B) The department shall complete the assessment within ten (10) working days of receipt of all documentation required by section (5) of this rule unless further evaluation by the State Mental Health Authority is required by 42 CFR 483.100 to 483.138. No Title XIX payment for intermediate or skilled care services in a long-term care facility shall be made prior to completion of the department's review and assessment process.

[(3) *IoC and UR.*

(A) *The Division of Aging will be responsible for performing medical review functions required under 42 U.S.C. 1396.*

(B) *The Division of Aging will conduct on-site annual inspections of care of all inpatient Title XIX recipients in long-term care facilities certified by the Division of Aging as specified in 42 CFR 456.600–456.657.*

(C) *The Division of Aging will conduct semiannual utilization reviews of all inpatient Title XIX recipients in Plan II facilities. Plan I facilities shall conduct UR every six (6) months of all inpatient Title XIX ICF recipients. SNFs shall conduct UR on each skilled recipient at least every thirty (30) days for the first ninety (90) days and at least every ninety (90) days after that. The facilities shall notify the Division of Aging if there is any change in level-of-care of any recipient.*

(D) *Redetermination of level-of-care of individual recipients in long-term care facilities will be established by the Division of Aging through a review of the ongoing records and notations made by the resident's physician regarding care needed as well as by considering the individual's functional ability as indicated in sections (4) and (5).]*

(3) Redetermination of Level-of-Care Requirements.

(A) Redetermination of level-of-care of individual recipients who are eligible for placement in long-term care facilities shall be conducted by the department through a review and assessment of the DA-124 A/B and C forms and any documentation provided by the resident's attending physician.

(B) Required documentation on the DA-124 C form shall include the resident's physician's signature and his or her Physician Identification Number.

(4) Level-of-Care Criteria for *[Intermediate and Skilled Nursing] Long-Term Care Facility Care*—Qualified Title XIX Recipients and Applicants.

(C) To qualify for **intermediate** or skilled nursing care, an applicant or recipient shall exhibit physical impairment, which may be complicated by mental impairment or mental impairment which may be complicated by physical impairment, severe enough to require **intermediate** or skilled nursing care.

[(D) *To qualify for intermediate level-of-care, an applicant or recipient shall exhibit physical or mental impairment, or both, which requires intermediate nursing care.]*

(5) Assessed Needs Point Designations Requirements.

(B) Points will be assessed for the amount of assistance required, the complexity of the care and the professional level of assistance necessary, based on the level-of-care criteria *[cited in subsections*

(4)(C) and (D) of this rule]. If the applicant's or recipient's records show that the applicant's or recipient's attending physician has ordered certain care, medication or treatments for an applicant or recipient, the department will assess points for a PRN order if the applicant or recipient has actually received or required that care, medication or treatment within the thirty (30) days prior to review and evaluation by the department.

[(C) *The higher point value will be assessed, unless the lower point value can be justified.]*

[(D)] (C) For individuals seeking admission to a long-term care facility on or after July 1, 2005, *[An]* the applicant or recipient will be determined to be qualified for *[skilled nursing]* long-term care facility care if *[s/he]* he or she is determined to need care with an assessed point level of *[fifty-four (54)]* twenty-one (21) points or above, using the assessment procedure as *[stated]* required in this *[section]* rule.

[(E) *An applicant or recipient will be determined to be qualified for intermediate nursing care if s/he is determined to need care with an assessed point level of eighteen to forty-eight (18–48) points using the assessment procedure as stated in this section.]*

[(F)] (D) *[Applicants or recipients]* For individuals seeking admission to a long-term care facility on or after July 1, 2005, an applicant with *[twelve (12)]* eighteen (18) points or lower will *[normally]* be assessed as ineligible for Title XIX-funded *[intermediate or skilled nursing services]* long-term care in a *[n]* long-term care facility, unless *[they qualify]* the applicant qualifies as otherwise provided in subsections (5) *[(H) or (J), or both,]* (E) and/or (F) of this rule.

[(G) *A special central office review will be conducted by Division of Aging administrative staff and medical staff for applicants or recipients assessed at fifty-one (51) points (between skilled care and intermediate care) and applicants or recipients assessed at fifteen (15) points (between intermediate care and lower levels of care).]*

(H)] (E) Applicants or recipients may occasionally require care or services, or both, which could qualify as *[skilled nursing]* long-term care facility services. In these instances, *[it may be that]* a single nursing service requirement *[will]* may be used as the qualifying factor, making the *[person]* individual eligible for *[skilled nursing]* long-term care facility care regardless of the total point count. The determining factor will be the availability of professional personnel to perform or supervise the **qualifying care** services. *[These special q/Qualifying care services may include, but are not limited to:*

1. Administration of levine tube or gastrostomy tube feedings;
2. Nasopharyngeal and tracheotomy aspiration;
3. Insertion of medicated or sterile irrigation and replacement catheters;
4. Administration of parenteral fluids;
5. Inhalation therapy treatments;
6. Administration of injectable medications other than insulin, if required other than on the day shift; and
7. Requirement of intensive rehabilitation services by a professional therapist at least five (5) days per week.

[(I) *If the provider's records show that the resident's attending physician has ordered certain care, medication or treatments for an applicant or recipient, the Division of Aging staff will—*a) assess points for a PRN order only if the applicant or recipient has actually received or required that care, medication or treatment at some time during the prior thirty (30) days or b) assess points for other ordered care, medications or treatments, unless a state physician consultant determines with reasonable medical certainty, after consultation with the attending physician, that the ordered care, medication or treatment is no longer needed by the recipient.]

[(J)] (F) An applicant or recipient will be considered eligible for inpatient Title XIX assistance regardless of the total point count if the applicant or recipient is unable to meet physical/mental requirements for *[adult boarding facility/]* residential care facility *[(ABF/]* (RCF) residency as specified by section 198.073, RSMo. In order to meet this requirement, an applicant or recipient must be able to reach and go through a required exit door on the floor where the resident is located by—

1. Responding to verbal direction or the sound of an alarm;
2. Moving at a reasonable speed; and
3. If using a wheelchair or other assistive device, such as a walker or cane, being able to transfer into the wheelchair or reach the assistive device without staff assistance.

[(K)] (G) Points will be assigned to each category, as *[stated in]* **required by** subsection (4)(B) of this rule, in multiples of three (3) according to the following *[guide]* **requirements**:

1. Mobility is defined as the individual's ability to move from place-to-place. The applicant or recipient will receive—

A. Zero (0) points if *[considered to be]* **assessed as** independently mobile, in that the applicant or recipient requires no assistance **for transfers or mobility**. The applicant or recipient may use assistive devices (cane, walker, wheelchair) but is consistently capable of negotiating without assistance **of another individual**;

B. Three (3) points if *[considered to require]* **assessed as requiring** minimum assistance, in that the applicant or recipient is independently mobile once the applicant or recipient receives assistance with transfers, braces *[,]* or prosthesis **application** or other assistive devices, or a combination of these (example, independent use of wheelchair after assistance with transfer). This category includes *[persons]* **individuals** who are not consistently independent and need assistance periodically;

C. Six (6) points if *[considered to require]* **assessed as requiring** moderate assistance, in that the applicant or recipient is mobile only with direct **staff** assistance. The applicant or recipient must be assisted even when using canes, walker or other **assistive** devices; and

D. Nine (9) points if *[considered to require]* **assessed as requiring** maximum assistance, in that the applicant or recipient is totally dependent **upon staff for mobility**. The applicant or recipient is unable to ambulate or participate in the **ambulation** process, requires positioning, supportive device/s/ **application**, prevention of contractures or *[decubiti]* **pressure sores** and active or passive **range of motion** exercises;

2. Dietary is defined as the applicant's or recipient's nutritional requirements and need for assistance or supervision with meals. The applicant or recipient will receive—

A. Zero (0) points if *[considered to be]* **assessed as** independent in dietary needs, in that the applicant or recipient requires no assistance to eat. The applicant or recipient has **physician's orders for a regular diet**, mechanically altered **diet** or **requires** only minor modifications (example, limited desserts, no salt or sugar on tray);

B. Three (3) points if *[considered to require]* **assessed as requiring** minimum assistance, in that the applicant or recipient requires meal supervision or minimal help, such as cutting food or verbal encouragement. Calculated diets for stabilized conditions *[are]* **shall be** included;

C. Six (6) points if *[considered to require]* **assessed as requiring** moderate assistance, in that the applicant or recipient requires help, including constant supervision during meals, or actual feeding. Calculated diets for unstable conditions are included; and

D. Nine (9) points if *[considered to require]* **assessed as requiring** maximum assistance, in that the applicant or recipient requires extensive assistance for special dietary needs **or with eating**, which could include *[tube/]* **enteral feedings[,]** or parenteral fluids *[and the like]*;

3. Restorative services are defined as specialized services provided by **trained and supervised individuals** to help applicants or recipients obtain **and/or** maintain~~,~~ *or both,* their optimal **highest practicable** functioning potential. Each applicant or recipient must have an individual overall plan of care developed by the provider with written goals and response/progress documented. Restorative services may include, but are not limited to: applicant or recipient teaching program (self-transfer, self-administration of medications, self-care), range of motion, bowel and bladder program, remotivational therapy, *[reality orientation]* **validation therapy**, patient/family program and individualized activity program. The applicant or recipient will receive—

A. Zero (0) points if restorative services are not required;

B. Three (3) points if *[considered to require]* **assessed as requiring** minimum services in order to maintain level of functioning;

C. Six (6) points if *[considered to require]* **assessed as requiring** moderate services in order to restore **the individual** to a higher level of functioning; and

D. Nine (9) points *[if considered to require]* **assessed as requiring** maximum services in order to restore to a higher level of functioning. These are intensive services, usually requiring professional supervision or direct services;

4. Monitoring is defined as observation and assessment of the applicant's or recipient's physical **and/or** mental condition *[, or both]*. This monitoring could include assessment of—routine laboratory work, **including but not limited to, evaluating** *[(digoxin and coumadin levels [, clintest and acetest],* **measurement and evaluation of blood glucose levels, measurement and evaluation of intake and output of fluids the individual has received and/or excreted**, weights and other routine **monitoring** procedures. The applicant or recipient will receive —

A. Zero (0) points if *[considered to require]* **assessed as requiring** only routine monitoring, such as monthly weights, temperatures, blood pressures **and other routine vital signs** and routine supervision;

B. Three (3) points if *[considered to require]* **if assessed as requiring** minimal monitoring, in that the applicant or recipient requires periodic assessment due to mental impairment, monitoring of mild confusion, or both, or periodic assessment of routine procedures when the recipient's condition is stable;

C. Six (6) points if *[considered to require]* **if assessed as requiring** moderate monitoring, in that the applicant or recipient requires *[regular]* **recurring** assessment of routine procedures due to applicant's or recipient's unstable physical or mental condition; and

D. Nine (9) points if *[considered to require]* **assessed as requiring** maximum monitoring, which is intensive monitoring usually by professional personnel due to **the** applicant's or recipient's unstable physical or mental condition;

5. Medication is defined as the drug regimen of all physician-ordered legend *[drugs]* **medications**, and any physician-ordered nonlegend *[drug]* **medication** for which the physician has ordered monitoring due to the complexity of the *[drug]* **medication** or the condition of the applicant or recipient. The applicant or recipient will receive—

A. Zero (0) points if *[considered to require]* **assessed as requiring** no medication, or *[little medication in the form of irregular use of PRN medication]* **has not required PRN medication within the thirty (30) days prior to review and evaluation by the department**;

B. Three (3) points if *[considered to require]* **assessed as requiring** any regularly scheduled medication and **the applicant or recipient** exhibits a stable condition;

C. Six (6) points if *[considered to require]* **assessed as requiring** moderate supervision of regularly scheduled medications, requiring daily monitoring by licensed personnel; and

D. Nine (9) points if *[considered to require]* assessed as **requiring** maximum supervision of regularly scheduled medications, a complex *[drug regime]* medication regimen, unstable *[condition]* physical or mental status or use of *[drugs]* medications requiring professional observation and assessment, or a combination of these;

6. Behavioral is defined as an individual's social or mental activities. The applicant or recipient will receive—

A. Zero (0) points if *[considered to require]* assessed as **requiring** little or no behavioral assistance. Applicant or recipient is oriented and memory intact;

B. Three (3) points if *[considered to require]* assessed as **requiring** minimal behavioral assistance in the form of supervision or guidance on a periodic basis. Applicant or recipient may display some memory lapses or occasional forgetfulness due to mental or developmental disabilities, or both. Applicant or recipient generally relates well with others (positive or neutral) but needs occasional emotional support;

C. Six (6) points if *[considered to require]* assessed as **requiring** moderate behavioral assistance in the form of supervision due to disorientation, mental or developmental disabilities or uncooperative behavior; and

D. Nine (9) points if *[considered to require]* assessed as **requiring** maximum behavioral assistance in the form of extensive supervision due to psychological, developmental disabilities or traumatic brain injuries with resultant confusion, incompetency, hyperactivity, hostility, severe depression, or other behavioral characteristics. This category includes residents who frequently exhibit bizarre behavior, are verbally or physically abusive, or both, or are incapable of self-direction. Applicants or recipients who exhibit uncontrolled behavior that is dangerous to themselves or others must be transferred immediately to an appropriate facility;

7. Treatments are defined as a systematized course of nursing procedures ordered by the attending physician. The applicant or recipient will receive—

A. Zero (0) points if no treatments are ordered by the physician;

B. Three (3) points if *[considered to require]* assessed as **requiring** minimal type-ordered treatments, including nonroutine and preventative treatments, such as whirlpool baths and other services;

C. Six (6) points if *[considered to require]* assessed as **requiring** moderate type-ordered treatments requiring daily attention by licensed personnel. These treatments could include: daily dressings, PRN oxygen, oral suctioning, catheter maintenance care, treatment of stasis or *[decubitus]* pressure sore ulcers, wet/moist packs, maximist and other such services; and

D. Nine (9) points if *[considered to require]* assessed as **requiring** maximum type-ordered treatments of an extensive nature requiring provision, direct supervision, or both, by professional personnel. These treatments could include: intratracheal suctioning; insertion or maintenance of suprapubic catheter; continuous oxygen; new or unregulated ostomy care; dressings of deep draining lesions more than once daily; care of extensive skin disorders, such as advanced *[decubiti]* pressure sore or necrotic lesions; infrared heat and other services;

8. Personal care is defined as activities of daily living, including hygiene; personal grooming, such as dressing, bathing, oral and personal hygiene, hair and nail care, shaving; and bowel and bladder functions. Points will be determined based on the amount of assistance required and degree of assistance involved in the activity. The applicant or recipient will receive—

A. Zero (0) points if *[considered to require]* assessed as **requiring** no assistance with personal care in that the applicant or recipient is an independent, self-care individual. No assistance is required with personal grooming; the applicant or recipient has complete bowel and bladder control;

B. Three (3) points if *[considered to require]* assessed as **requiring** minimal assistance with personal care, in that the applicant or recipient requires assistance with personal grooming, and/or exhibits infrequent incontinency (once a week or less) *[, or both]*;

C. Six (6) points if *[considered to require]* assessed as **requiring** moderate assistance with personal care, in that the applicant or recipient requires assistance with personal grooming, requiring close supervision or exhibits frequent incontinency (incontinent of bladder daily but has some control or incontinent of bowel two (2) or three (3) times per week), or a combination of these; and

D. Nine (9) points if *[considered to require]* assessed as **requiring** maximum assistance with personal care, in that the applicant or recipient requires total personal care to be performed by another *[person]* individual, and/or exhibits continuous incontinency **all or most of the time**, *[, or both]*; and

9. Rehabilitation is defined as the restoration of a former or normal state of health through medically-ordered therapeutic services either directly provided by or under the supervision of a qualified professional. Rehabilitation services include, but are not limited to: physical therapy, occupational therapy, speech therapy and audiology. If ordered by the physician, each resident must have an individually planned and implemented program with written goals and response/progress documented. Points will be determined by intensity of required services and the applicant's or recipient's potential for rehabilitation as *[indicated]* determined by the rehabilitation evaluation. The applicant or recipient will receive—

A. Zero (0) points if *[considered to require]* assessed as **requiring** no ordered rehabilitation services;

B. Three (3) points, if *[considered to require]* assessed as **requiring** minimal-ordered rehabilitation services of one (1) time per week;

C. Six (6) points if *[considered to require]* assessed as **requiring** moderate-ordered rehabilitative services of two (2) or three (3) times per week; and

D. Nine (9) points if *[considered to require]* assessed as **requiring** maximum-ordered rehabilitative services of four (4) times per week or more.

AUTHORITY: sections [207.020 and 208.159, RSMo 1986 and 208.153, RSMo Supp. 1991] 192.006 and 198.079, RSMo 2000 and 660.050, RSMo Supp. 2004. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. 11, 1982. For intervening history, please consult the *Code of State Regulations*. Moved to 19 CSR 30-81.030, effective Aug. 28, 2001. Amended: Filed June 20, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will present a cost of \$7,328,880 to Medicaid certified nursing facilities and \$17,346,701 to in-home service providers, counseling providers and Medicaid adult day health care providers for a total fiscal impact of \$24,675,581 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David S. Durbin, J.D., M.P.A. Deputy Department Director Senior Services, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-81.030
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
186 out of 505 total entities	Medicaid Certified Nursing Facilities	FY-06 \$7,328,880 FY-07 Add 3% annually for inflationary costs for the life of the rule
408	In-Home Service Providers, Counseling Providers and Medicaid Adult Day Health Care Providers	FY-06 \$17,346,701 FY-07 Add 3% annually for inflationary costs for the life of the rule
594 total	Medicaid Providers	Total Impact FY-06 \$24,675,581 FY-07 Add 3% annually for inflationary costs for the life of the rule

III. WORKSHEET

- **186 Medicaid Certified Nursing Facilities**

347 total prospective residents (29 additional residents per each month of the fiscal year) with an 18 point count level of care assessment (DA-124 A-B) @ 108.00 per day rate = \$7,328,880

- **408 In-Home Service, Counseling and Medicaid Adult Day Health Care Providers**

6,739 current clients (prorated over a 12 month period) with an 18 point count level of care assessment @\$396.00 per person per month = \$17,346,701

IV. ASSUMPTIONS

- **Medicaid Certified Nursing Facilities**

**FISCAL NOTE
PRIVATE COST**

1. The average Medicaid per diem rate to Nursing Facilities is \$108.00 per day per resident or \$3,240.00 per 30-day month.
2. According to data from the National Center for Health Statistics, the average length of stay for current residents in a nursing home is 892 days.
3. According to DHSS data, there were 347 residents with 18 level of care points (LOC) admitted to 186 of the total of 505 Medicaid certified Nursing Facilities during calendar year 2004. Over 12 months, this averages out to approximately 29 per month.
4. This estimate does not take into account the possibility that facilities may admit and care for private pay residents in Medicaid certified beds thus decreasing financial impact.
5. DHSS staff estimate only minimal financial impact on individual persons because Medicaid clients admitted to Nursing Facilities are required to apply all of their personal income, except for \$30.00 personal spending allowance, toward the cost of their care.
6. DHSS staff recognize that ineligibility for nursing facility services may represent an indeterminate cost to prospective residents who seek to purchase alternative services and have an unquantifiable impact on their health and quality of life.

- **In-Home Service, Counseling and Medicaid Adult Day Health Care Providers**

1. The number of providers, 408, is based on 344 in-home service providers, eight (8) counseling providers and 56 Adult Day Health Care programs.
2. The estimated cost is based on data contained in NTSA0320-01 report for end of fiscal year 2004
3. These cost figures represent cost of care plans associated with clients assessed at 18 points level of care (LOC) during the last assessment and includes clients potentially impacted by the increase of Nursing Facility level of care to 21 points.
4. The cost figures are based on the assumption 65 per cent (6,739) of the 10,368 clients previously assessed at 18 points may at their next scheduled assessment be assessed at less than 21 LOC points and therefore become ineligible for services.
5. The cost are prorated over a 12 month period based on the assumption that approximately an equal number of clients will be reassessed each month.
6. DHSS staff recognize that ineligibility for home and community based services may represent an indeterminate cost to prospective residents who seek to purchase alternative services and have an unquantifiable impact on their health and quality of life.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 10—Air Conservation Commission Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 18, 2005 (30 MoReg 153-163) with minor corrections published on February 1, 2005 (30 MoReg 322). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments from the Regulatory Environmental Group for Missouri, the Water Pollution Control Department of the City of Independence, the Little Blue Valley Sewer District, Midwest Environmental Consultants, the Missouri Ag Industries Council, Inc., and the U.S. Environmental Protection Agency (EPA). The comments were generally supportive of the proposal and suggested modifying the equipment log requirements, applying the construction permitting exemptions to operating permits, and various wording changes for clarification and enforceability.

COMMENT: The Regulatory Environmental Group for Missouri provided testimony at the public hearing supporting the proposed amendment and supporting the cooperative workgroup process that developed the rule.

RESPONSE: The department's Air Pollution Control Program appreciates the voicing of this support. No change has been made as a result of this testimony.

COMMENT: The City of Independence Water Pollution Control Department and the Little Blue Valley Sewer District noted that the proposed equipment log is a new requirement that would be quite burdensome, and suggested that the equipment log be limited to a list of emission units subject to a regulatory limitation or that these units could be grouped in a similar fashion to the grouping of units in the annual Emission Inventory Questionnaire (EIQ). The Missouri Ag Industries Council, Inc. also commented that the equipment log would be burdensome, and suggested deleting this requirement. In the alternative, Missouri Ag Industries Council suggested limiting the equipment log requirement to mobile equipment or to modify the language to allow recent EIQs to suffice as an equipment log.

RESPONSE AND EXPLANATION OF CHANGE: The purpose of proposing an equipment log was to assist air pollution inspectors in identifying whether or not equipment located on-site was properly permitted and that emissions from this equipment were properly reported on the annual EIQ. Tracking equipment is difficult for portable equipment that is often combined into other plant configurations at different sites. A review of an installation's construction permits and EIQ would yield the same information for the inspector. The burden of creating and maintaining an equipment log outweighs the relatively minor convenience to the air pollution inspector. Because the information in the equipment log is already available to the inspector in other forms, subsection (4)(H) of the rule is being removed. The remaining subsections of section (4) have been renumbered.

COMMENT: Midwest Environmental Consultants commented that the operating permit rule exemption for sand and gravel operations does not match the exemption in the Construction Permit Exemption Rule (10 CSR 10-6.061). All construction permit exemptions should apply to operating permits.

RESPONSE: There are several activities that are exempt from construction permitting but are regulated by other air pollution rules. As an example, autobody refinishers are not required to obtain construction permits when they meet the conditions of the exemption, but the installation may be subject to the Solvent Metal Cleaning regulation. An operating permit would be appropriate for this facility to identify this regulation and the method of demonstrating compliance. For basic installations there is no longer any requirement to provide detailed information about specific units. For intermediate and part 70 (Major) facilities, the forms provide an opportunity to report insignificant activities. For the purpose of operating permits, insignificant activities are those activities that have no air pollution regulatory requirements. Many activities that are exempt from construction permitting would also be considered insignificant activities on the operating permit side. Examples are restaurants, fireplaces, and sewer vents. Other activities, although exempt from construction permitting, may have other regulatory requirements. Examples fitting this case are commercial dry cleaners, autobody refinishers, and the replacement of a process by a "like-kind" emission unit. Extending the construction permit exemption for emission units that fit this second case would not be appropriate. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: EPA commented that the use of the term relevant in the phrase—relevant emission units—may be misinterpreted, and

suggested one mechanism to clarify this would be to refer to the definition of emission unit in 10 CSR 10-6.020, Definitions and Common Reference Tables.

RESPONSE AND EXPLANATION OF CHANGE: To avoid any possible misinterpretation, the term—relevant—has been removed in both locations as well as in paragraph (6)(B)5. The operating permit instructions provide an explanation of what is required of applicants.

COMMENT: EPA commented that according to the existing State Implementation Plan (SIP), sources do not become subject to the intermediate program. Instead they become subject to the Title V program and obtain an intermediate permit to avoid Title V. Such sources are subject to Title V until an intermediate permit is issued. Title V sources must submit an application within one year after becoming subject to Title V. This is both a state and federal requirement. In the proposed rule, intermediate sources are given one (1) year to submit their application. The existing rule gave intermediate sources only thirty (30) days to submit their application after commencing operation, presumably to allow time for the state to issue an intermediate permit thereby relieving the applicant of the requirement to file a Title V application. If the state chooses to give sources a full year to file an application, the rule should contain a statement that sources remain subject to Title V requirements until an intermediate permit is issued. The better approach would be to retain the existing language to allow sufficient time to process an intermediate permit.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (5)(B)1. has been changed to require intermediate sources to submit their application within ninety (90) days of commencement of operations. This will give sources an additional sixty (60) days to complete their applications, while still providing enough time for staff to issue an intermediate permit relieving the applicant of their obligation to submit a Title V application. This ninety (90)-day deadline was also changed for sources choosing to undergo unified review (simultaneous construction and operating permit review).

COMMENT: EPA commented that the intermediate permit process requires the permitting authority to act on a permit application within eighteen (18) months, and that the rule should state that failure to act within that time frame does not relieve the source of the obligation to obtain a Title V permit until it receives an intermediate permit.

RESPONSE AND EXPLANATION OF CHANGE: It is Missouri's intention to act on these applications in a generally expeditious manner. Sources that are renewing will remain subject to the conditions of their existing operating permit until the new permit is issued. New sources are not relieved of their part 70 obligations even if the permitting authority fails to act in a timely way. Rule language has been added in subparagraph (5)(E)1.B. to make these clarifications.

COMMENT: EPA commented that subparagraph (5)(E)1.C. requires the permitting authority to issue the permit at the end of the public comment period. This is not acceptable because the permitting authority must retain the discretion to deny the permit if warranted in a specific instance.

RESPONSE AND EXPLANATION OF CHANGE: Rule language has been changed to state that the permitting authority shall issue or deny the permit following the end of the comment period.

10 CSR 10-6.065 Operating Permits

(3) Single, Multiple or General Permits.

(A) Pursuant to this section, an installation must have a permit (or group of permits) addressing all applicable requirements for all emissions units in the installation. An installation may comply with this subsection through any one (1) of the following methods:

1. The installation may apply for a single permit covering all emissions units located within a contiguous area under common con-

trol (whether or not the installation falls under the same two (2)-digit Standard Industrial Code (SIC));

2. The installation may apply for separate permits for separate emissions units or groups of emissions units; or

3. The installation may apply for coverage for one (1) or more emissions units eligible for permitting under a general permit issued by the permitting authority, and obtain a separate permit(s) for emissions units not eligible for general permit coverage.

4. When determining operating permit classification (part 70, intermediate or basic state), the installation shall calculate the potential to emit for the entire installation and all multiple permits shall be subject to the same operating permit classification.

5. Notwithstanding, if the installation is a basic installation and is subject to 40 CFR part 63, subpart EEE, National Emission Standard for Hazardous Air Pollutants from Hazardous Waste Combustors, the installation has the option of obtaining a part 70 permit for the entire installation or a part 70 permit for the emission unit subject to the maximum achievable control technology (MACT) and a basic for the rest of the installation. However, the part 70 permit for the affected emission unit must incorporate all applicable requirements that apply to hazardous waste combustion devices, not just those in 40 CFR part 63, subpart EEE.

(4) Basic State Operating Permits.

(H) General Permits. Installations may apply to operate under any applicable general permit.

1. Issuance of general permits. General permits covering similar installations may be issued by the permitting authority. Basic installation operating permits are not required to have public participation; however, citizens may appeal any action of the director. The general permit shall indicate a reasonable time after which an installation that has submitted an application for authorization will be deemed to be authorized to operate under the general permit. A general permit shall identify criteria by which installations may be authorized to operate under the general permit. This criteria must include the following:

A. Categories of sources covered by the general permit must be homogeneous in terms of operations, processes and emissions;

B. Sources may not be subject to case-by-case standards or requirements; and

C. Sources must be subject to substantially similar requirements governing operations, emissions, monitoring, reporting and record keeping.

2. Applications. The permitting authority shall provide application forms for coverage under a general permit. General permit applications may deviate from individual permit applications but shall include all information necessary to determine qualification for, and to assure compliance with, the general permit. The permitting authority shall authorize coverage by the conditions and terms of a general permit to all installations that apply for and qualify under the specified general permit criteria. Installations applying for coverage under a general permit must comply with all the requirements of this rule, except public participation requirements.

3. Enforcement. The source shall be subject to enforcement actions for operating without an operating permit if it is determined later that the source does not qualify for the conditions and terms of the general permit, regardless of any application shield provisions.

(I) Compliance Reporting. Operating permit notification forms provided by the permitting authority shall include a compliance reporting requirement, which shall require a brief compliance report every five (5) years.

(J) Operating Permit Period. Each operating permit under this section shall be effective for a period of five (5) years. The permit term shall commence on the date of acceptance.

(K) Off-Permit Changes. Except as provided in paragraph (4)(L)1. of this rule, a basic state permitted installation may make any change in its permitted operations, activities or emissions that are not addressed in, constrained by or prohibited by the permit without

obtaining a permit revision. Insignificant activities not addressed in or prohibited by the permit, shall not be considered to be constrained by the permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:

1. Compliance with applicable requirements. The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; no permittee may change a permitted installation without a permit revision, even if the change is not addressed in or constrained by the permit, if this change is subject to any requirements under Title IV of the Act or is a Title I modification;

2. Contemporaneous notice, except insignificant activities. The permittee must provide contemporaneous written notice of the change to the permitting authority. This notice shall not be required for changes that are insignificant activities under paragraph (6)(B)3. of this rule. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change. Construction permit determinations requested of the permitting authority and/or construction permits obtained under 10 CSR 10-6.060 shall be deemed to be contemporaneous notice; and

3. Records of changes. The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes.

(L) Operating Permit Amendments and Modifications.

1. Administrative permit amendments.

A. An administrative permit amendment for a basic state permit is a permit revision that—

(I) Identifies a change in the name, address, or phone number of any person identified in the permit or provides a similar minor administrative change at the installation; or

(II) Allows for change in ownership or operational control of an installation where no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee is submitted to the permitting authority.

B. Procedures.

(I) The permittee shall request an administrative permit amendment by letter with certification by the responsible official.

(II) The permitting authority shall take final action on a request for an administrative permit amendment within sixty (60) days after receipt of the request.

(III) The installation may implement the changes addressed in a request for an administrative permit amendment immediately upon submittal of the request.

2. Operating permit modifications. Whenever an operating permit notifier or basic state installation determines, at any time after an operating permit notification has been submitted or an operating permit notification has been accepted by the permitting authority, that the notification or operating permit contains false, misleading, incorrect or incomplete information, the owner or operator of the installation shall submit an amendment to the notification or operating permit promptly to the permitting authority. Whenever the permitting authority determines that an operating permit fails to include or inadequately implements any applicable requirement, including any new requirement promulgated after the permitting authority's acceptance of the operating permit, the permitting authority shall inform the installation of this requirement and direct the installation to prepare and submit a notification or operating permit amendment.

(M) Compliance Demonstrations. The permitting authority, at any time when an operating permit notification is pending or after an operating permit has been accepted, may require the installation to demonstrate compliance with applicable requirements. If the installation fails to comply with this request, or fails to demonstrate compliance, the installation will be subject to the same enforcement pro-

visions as established under the part 70 state operating permits of section (6) of this rule.

(N) State Enforcement. All terms of an operating permit shall be enforceable by the permitting authority. The permitting authority is authorized, for enforcement purposes, to enter and inspect basic state installations at reasonable times and upon the presentation of proper credentials. The owner or operator will provide the representative of the permitting authority the stamped copy of the operating permit notification or general permit upon entry.

(O) Federal Enforceability. Any terms of an accepted operating permit which are based on applicable requirements contained in the federally-approved State Implementation Plan (SIP) or any other federal applicable requirements are federally enforceable.

(P) Operational Flexibility. Nothing in this section shall be construed to inhibit the operation of a basic state installation with respect to any operations, activities or emissions not addressed in, constrained by or prohibited by the operating permit accepted by the permitting authority.

(Q) Public Availability. Operating permit notifications, accepted operating permits and compliance reports under this section shall be maintained in a file available to the public for inspection and copying, except to the extent confidential treatment has been granted at the request of the basic state installation.

(R) Construction Permits or Authorizations Not Affected. The requirements of this section shall not affect the obligation of any basic state installation to obtain a permit or authorization for any construction activity at the basic state installation which is subject to 10 CSR 10-6.060 Construction Permits Required.

(5) Intermediate State Operating Permits.

(B) Permit Notifications/Applications.

1. Timely notification/applications.

A. All notifications/applications will be submitted in duplicate. Intermediate installations shall file initial notifications/applications on the following schedule:

(I) Initial notification. All installations shall file complete notifications by July 1996, with one (1) exception allowed as follows: Intermediate installations that have actual emissions (as defined in 10 CSR 10-6.020(2)(A)4.) less than fifty percent (50%) of the part 70 installation threshold levels (refer to the definition section of this rule for part 70 installation threshold levels) shall file complete notifications by May 1997;

(II) Subsequent application.

(a) Any installation that becomes subject to this section at any time between July 1996 and March 2005, shall file a complete application no later than thirty (30) days after the commencement of operations.

(b) Any installation that becomes subject to this section at any time following March 2005, shall file a complete application no later than ninety (90) days after the commencement of operations.

(c) If an installation already has an issued part 70 operating permit, the installation is subject to the requirements of the part 70 operating permit and intermediate application until the intermediate permit is issued and the part 70 operating permit is terminated;

(III) Renewal application. Installations subject to this section shall file complete applications for renewal of the operating permits at least six (6) months before the date of permit expiration. In no event shall this time be greater than eighteen (18) months;

(IV) Unified review. An installation subject to this section required to have a construction permit under 10 CSR 10-6.060 may submit a complete application for an operating permit or permit modification for concurrent processing as a unified review. An operating permit submitted for concurrent processing shall be submitted with the applicant's construction permit application, or at a later time as the permitting authority may allow, provided that the total review period does not extend beyond eighteen (18) months. An installation that is required to obtain a construction permit under 10 CSR 10-6.060 and that, in writing has not chosen to undergo unified review,

shall file a complete operating permit application, permit amendment or modification application separate from the construction permit application within ninety (90) days after commencing operation; and

(V) Application/notification expirations. Starting March 30, 2005—

(a) Installations that have an active initial or renewal application with a receipt stamp shall:

I. Be deemed to have submitted the initial or renewal application; and

II. Submit a renewal application, as identified in paragraph (5)(B)3. of this rule, six (6) to eighteen (18) months prior to the expiration date of the permit issued according to subsection (5)(E) of this rule.

(b) Installations that have an accepted notification shall submit a renewal application as identified in paragraph (5)(B)3. of this rule, six (6) to eighteen (18) months prior to the expiration date.

(c) Installations that have an initial or renewal notification—accepted or with a receipt stamp, but that is expired—shall still submit a renewal application as identified in paragraph (5)(B)3. of this rule.

(VI) Notwithstanding the deadlines established in this subsection, a complete initial notification/application filed at any time shall be accepted for processing.

B. Complete application.

(I) The permitting authority shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (5)(B)3. of this rule.

(II) If the permitting authority does not notify the installation within sixty (60) days after receipt that its application is not complete, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(III) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(IV) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request this additional information be in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response.

(V) In submitting an application for renewal of an operating permit, the applicant may identify terms and conditions in the previous permit that should remain unchanged, and may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment or modification applications) that describe products, processes, operations and emissions to which those terms and conditions apply. The applicant must identify specifically and list which portions of the previous permit or applications, or both, are incorporated by reference. In addition, a permit renewal application must contain—

(a) Information specified in paragraph (5)(B)3. of this rule for those products, processes, operations and emissions—

I. That are not addressed in the existing permit;

II. That are subject to applicable requirements which are not addressed in the existing permit; or

III. For which the applicant seeks permit terms and conditions that differ from those in the existing permit; and

(b) A compliance plan and certification as required in parts (6)(B)3.I.(I)–(IV) and subparagraph (6)(B)3.J. of this rule.

C. Confidential information. An applicant may make claims of confidentiality pursuant to 10 CSR 10-6.210, for information sub-

mitted pursuant to this section. The applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.

D. Filing fee. Each operating permit application must be accompanied by a one hundred dollar (\$100) filing fee, except for administrative permit amendments.

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. The permitting authority shall prepare and make available to all intermediate installations subject to this section an operating permit application form(s). The operating permit application form(s) shall require a general description of the installation and the installation's processes and products, emissions-related information, and all applicable emission limitations and control requirements for each emissions unit at the installation to be permitted. The notification also shall require a statement of the installation's compliance status with respect to these requirements and a commitment regarding the installation's plans to either attain compliance with these requirements within the time allowed by law or maintain compliance with these requirements during the operating permit period. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance plan and compliance certification as identified in subparagraphs (6)(B)3.A.–H., parts (6)(B)3.I.(I)–(IV) and subparagraph (6)(B)3.J. of this rule.

4. Certification by responsible official. Any application form, report or compliance certification submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy and completeness. This certification, and any other certification shall be signed by a responsible official and shall contain the following language. "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete."

5. Single, multiple or general permits. Pursuant to section (5) of this rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emission units in the installation. An installation may comply with this subsection through any one of the methods identified in paragraphs (3)(A)1.–4. of this rule.

(E) Permit Issuance, Renewal, Reopenings and Revisions. The complete intermediate operating permit, permit modification or permit renewal applications and permits shall be subject to the criteria identified in paragraphs (6)(E)4. and 8.–11. of this rule.

1. Action on application.

A. The intermediate operating permit, permit modification or permit renewal applications shall follow the procedures identified in subparagraphs (6)(E)1.A.–C. and G. of this rule.

B. Except as provided in this subsection of the rule, the permitting authority shall take final action on each application for an intermediate operating permit within eighteen (18) months after receiving a complete application. Final action on each application for a significant permit modification or permit renewal shall be taken within six (6) months after receipt of a complete application. For renewals, the installation shall remain subject to the conditions of the current permit until the renewal permit is issued. New sources are subject to section (6) of this rule until an intermediate permit is issued, even if the permitting authority does not act within the time frames specified in this rule. For each application the permitting authority shall submit a draft permit for public participation under section (7) of this rule no later than thirty (30) days before the deadline for final action established in this section.

C. Following the end of the public comment period, the permitting authority shall issue or deny the permit, permit modification or permit renewal.

2. Permit renewal and expiration.

A. Renewal application requirements. Applications for permit renewals shall be subject to the same procedural requirements, including public participation and affected state comment, that apply to initial permit issuance. The permitting authority, in issuing a permit or renewal permit, may identify those portions that are proposed to be revised, supplemented or deleted.

B. Timely application. An installation's right to operate shall terminate upon the expiration of the permit, unless a complete permit renewal application is submitted at least six (6) months before the date of expiration, or unless the permitting authority takes final action approving an application for a permit renewal by the expiration date.

C. Extension of expired permits. If a timely and complete application for a permit renewal is submitted, but the permitting authority fails to take final action to issue or deny the renewal permit before the end of the term of the previous permit, the previous permit shall not expire until the renewal permit is issued or denied.

3. Operating permit amendments/modifications.

A. Administrative permit amendments are defined and shall follow the procedures identified in subparagraphs (6)(E)4.A. and C. of this rule.

B. Permit modifications are defined as any revision to an intermediate operating permit which is not an administrative permit amendment under subparagraph (5)(E)2.A. of this rule. An applicant for a permit modification shall adhere to all the relevant requirements for an initial permit application under section (5) of this rule, as well as requirements for public participation under section (7) of this rule, except—

(I) The applicant should use the form for a permit modification application, rather than the form for an initial permit issuance; and

(II) The permitting authority will complete review of the permit modification applications within nine (9) months after receipt of a complete application.

4. Reopening permits for cause.

A. Cause to reopen. An intermediate operating permit shall be reopened for cause if:

(I) The permitting authority determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions limitations standards or other terms of the permit;

(II) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required as identified in subparts (6)(E)6.A.(III)(a)–(c) of this rule; or

(III) The permitting authority or the administrator determines that the permit must be reopened and revised to assure compliance with applicable requirements.

B. The notices, procedures for issuance and deadlines will follow the criteria in subparagraphs (6)(E)6.B.–D. and F. of this rule.

(6) Part 70 Operating Permits.

(B) Permit Applications.

1. Duty to apply.

A. Timely application.

(I) Part 70 installations shall file initial applications on the following schedule:

(a) The permit registry.

I. The permitting authority shall create and maintain a permit issuance registry that part 70 installations may apply in writing to be placed on. The request must identify a specific year of initial issuance. The registry will identify by year when the permitting authority expects to issue the operating permit.

II. The registry will be opened for three (3) months after the effective date of this rule. The registry will be filled on a first-come, first-served basis, judged by the stamped Received date by the permitting authority.

III. The permitting authority will assign installations that do not make a specific request to the registry at the permitting authority's discretion as necessary to meet a one-third (1/3) per year for three (3) years permit issuance schedule following the administrator's approval of the operating permit program.

IV. The permitting authority may exercise discretion in reassigning applicants on the registry by accepting applicants after the close of the registry, and taking into consideration staff resources, complexity of applicant's operations, distribution of multiple installations under common control, and amount and nature of the air contaminants; and

(b) Initial application submittal schedule.

I. Installations scheduled to receive their operating permit within the first year of the registry shall file complete applications by July, 1996.

II. All other installations shall file complete applications by May, 1996.

(II) Any installation that becomes subject to this section after May 9, 1994, shall file a complete application no later than twelve (12) months following either the administrator's approval of the operating permit program or the commencement of operations, whichever is later.

(III) A complete initial application filed at any time shall be accepted for processing. However, acceptance of an application does not relieve the applicant of his/her liability for submitting an untimely application.

(IV) An installation subject to this section required to meet section 112(g) of the Act, or to have a construction permit under 10 CSR 10-6.060 may submit a complete application for an operating permit or permit modification for concurrent processing as a unified review. An operating permit application submitted for concurrent processing shall be submitted with the applicant's construction permit application, or at a later time as the permitting authority may allow, provided that the total review period does not extend beyond eighteen (18) months. An installation that is required to obtain a construction permit under 10 CSR 10-6.060 and who, in writing has not chosen to undergo unified review, shall file a complete operating permit application, permit amendment or modification application separate from the construction permit application within twelve (12) months after commencing operation.

(V) Installations subject to this section shall file complete applications for renewal of the operating permits at least six (6) months before the date of permit expiration. In no event shall this time be greater than eighteen (18) months.

(VI) Installations subject to this section required to submit applications for initial phase II acid rain permits shall submit complete applications to the permitting authority by January 1, 1996, for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.

B. Complete application.

(I) The permitting authority shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (6)(B)3. of this rule.

(II) If the permitting authority does not notify the installation within sixty (60) days after receipt that its application is not complete, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(III) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist

identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(IV) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request this additional information be in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response.

(V) In submitting an application for renewal of an operating permit, the applicant may identify terms and conditions in the previous permit that should remain unchanged, and may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment or modification applications) that describe products, processes, operations and emissions to which those terms and conditions apply. The applicant must identify specifically and list which portions of the previous permit or applications, or both, are incorporated by reference. In addition, a permit renewal application must contain:

(a) Information specified in paragraph (6)(B)3. of this rule for those products, processes, operations and emissions—

I. That are not addressed in the existing permit;

II. That are subject to applicable requirements which are not addressed in the existing permit; or

III. For which the applicant seeks permit terms and conditions that differ from those in the existing permit; and

(b) A compliance plan and certification as required in subparagraphs (6)(B)3.I. and J. of this rule.

C. Confidential information. If an applicant submits information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210, the applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.

D. Filing fee. Each application must be accompanied by a one hundred dollar (\$100) filing fee.

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance plan and compliance certification. The application package must include all information needed to determine applicable requirements. The application must include information needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted, except for insignificant activities. An activity cannot be listed as insignificant if the activity has an applicable requirement. The installation shall provide a list of any insignificant activities that are exempt because of size or production rate. Any insignificant activity required to be listed in the application also must list the approximate number of activities included (for example, twenty (20) leaky valves) and the estimated quantity of emissions associated. The application must include any other information, as requested by the permitting authority, to determine the insignificant activities have no applicable requirements. Information reported in the permit application which does not result in the specification of any permit limitation, term or condition with respect to that information (including, but not limited to, information identifying insignificant activities), shall not in any way constrain the operations, activities or emissions of a permitted installation, except as otherwise provided in this section. The standard application form

(and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two (2)-digit Standard Industrial Classification Code (SIC)), including those associated with any reasonably anticipated operating scenarios identified by the applicant;

C. Emissions-related information. The following emissions-related information on the emissions inventory forms:

(I) All emissions of pollutants for which the installation is a part 70 source, and all emissions of any other regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by section (6) of this rule. The installation shall submit additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the installation;

(II) Identification and description of all emissions units whose emissions are included in part (6)(B)3.C.(I) of this rule, in sufficient detail to establish the applicability of any and all requirements;

(III) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) The following information to the extent needed to determine or regulate emissions including: fuels, fuel use, raw materials, production rates and operating schedules;

(V) Identification and description of air pollution control equipment;

(VI) Identification and description of compliance monitoring devices or activities;

(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height credit limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in parts (6)(B)3.C.(I)–(VIII) of this rule is based;

D. Air pollution control information. The following air pollution control information:

(I) Citation and description of all applicable requirements; and

(II) Description of, or reference to, any applicable test method for determining compliance with each applicable requirement;

E. Applicable requirements information. Other specific information required under the permitting authority's regulations to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements;

F. Alternative emissions limits. If the SIP allows an installation to comply through an alternative emissions limit or means of compliance, the applicant may request that such an alternative limit or means of compliance be specified in the permit. The applicant must demonstrate that any such alternative is quantifiable, accountable, enforceable and based on replicable procedures. The applicant shall propose permit terms and conditions to satisfy these requirements in the application;

G. Proposed exemptions. An explanation of any proposed exemptions from otherwise applicable requirements;

H. Proposed reasonably anticipated operating scenarios. Additional information, as determined necessary by the permitting authority, to define reasonably anticipated operating scenarios identified by the applicant for emissions trading or to define permit terms and conditions implementing operational flexibility;

I. Compliance plan. A compliance plan that contains all of the following:

(I) A description of the compliance status of the installation with respect to all applicable requirements;

(II) A description as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis; and

(c) For any applicable requirements with which the installation is not in compliance at the time of permit issuance, a narrative description of how the installation will achieve compliance with these requirements;

(III) A compliance schedule as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis. A statement that the installation will comply in a timely manner with applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;

(c) A schedule of compliance for all applicable requirements with which the installation is not in compliance at the time of permit issuance, including a schedule of remedial measures and an enforceable sequence of actions, with milestones, leading to compliance. (This compliance schedule shall resemble and be equivalent in stringency to that contained in any judicial consent decree or administrative order to which the installation is subject);

(IV) For installations required to have a schedule of compliance under subpart (6)(B)3.I.(III)(c) of this rule, a schedule for the submission of certified progress reports no less frequently than every six (6) months; and

(V) The compliance plan content requirements specified in this paragraph shall apply to, and be included in, the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the installation will use to achieve compliance with the acid rain emissions limitations;

J. Compliance certification and information.

(I) A certification of compliance with all applicable requirements signed by a responsible official consistent with paragraph (6)(B)4. of this rule and section 114(a)(3) of the Act;

(II) A statement of methods used for determining compliance, including a description of monitoring, record keeping and reporting requirements, and test methods;

(III) A schedule for the submission of compliance certifications during the permit term, which shall be submitted annually, or more frequently if required by an underlying applicable requirement; and

(IV) A statement indicating the installation's compliance status with respect to any applicable enhanced monitoring and compliance certification requirements of the Act; and

K. Acid rain information. Nationally-standardized forms for acid rain portions of permit applications and compliance plans shall be used, as required by rules promulgated under Title IV of the Act.

4. Certification by responsible official. Any application form, report or compliance certification submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

5. Single, multiple or general permits. Pursuant to this section of the rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emissions units in the installation. An installation may comply with this subsection of the rule through any one (1) of the methods identified in paragraphs (3)(A)1.-4. of this rule.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 405—Homestead Preservation Credit**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 137.106, RSMo Supp. 2004, the director adopts a rule as follows:

12 CSR 10-405.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2005 (30 MoReg 639-642). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one formal comment on the proposed rule.

COMMENT: The commenter suggested that the phrase "the total of all levy amounts" in 12 CSR 10-405.100(2)(D) be changed to make it clear that the amount referred to is the total tax bill.

RESPONSE AND EXPLANATION OF CHANGE: The department has changed the language in 12 CSR 10-405.100(2)(D) to make it clear that the amount referred to is the total tax bill.

12 CSR 10-405.100 Homestead Preservation Credit—Procedures

(2) Application of Rule.

(D) The Department of Revenue will calculate the level of appropriations necessary to set the homestead exemption limit for all verifiable homestead owners as follows:

1. In odd application years, the appropriation amount will be the amount by which the aggregate tax liability for the application year exceeds a five percent (5%) increase from the prior year's aggregate tax liability for all qualifying homestead property, plus one-quarter of one percent (1/4 of 1%) of the total; and

2. In even application years, the appropriation amount will be the amount by which the aggregate tax liability for the application year exceeds a two and one-half percent (2.5%) increase from the prior year's aggregate tax liability for all qualifying property, plus one-quarter of one percent (1/4 of 1%) of the total.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 405—Homestead Preservation Credit**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 137.106, RSMo Supp. 2004, the director adopts a rule as follows:

12 CSR 10-405.200 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2005 (30 MoReg 643-646). Those sections with changes are reprinted here.

This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one formal comment on the proposed rule.

COMMENT: The commenter suggested that the word “assessed” in 12 CSR 10-405.200(3)(F) be changed to “appraised” to conform to the statutory language.

RESPONSE AND EXPLANATION OF CHANGE: The department has changed the word “assessed” to “appraised” in 12 CSR 10-405.200(3)(F). Note that this section is now designated 12 CSR 10-405.200(3)(G) as a result of changes discussed further below.

COMMENT: The commenter also suggested that the examples in 12 CSR 10-405.200(4)(P) and (Q) be changed to make it clear that they are based on an increase in total tax liability rather than on an increase in the tax levy.

RESPONSE AND EXPLANATION OF CHANGE: The department has changed the examples in 12 CSR 10-405.200(4)(P) and (Q) to make it clear that they are based on an increase in total tax liability rather than on an increase in the tax levy. The department also made a conforming change in 12 CSR 10-405.200(4)(R).

COMMENT: In addition to the formal comment received, the department has received numerous inquiries and comments suggesting ambiguities in the language concerning the ownership qualifications.

RESPONSE AND EXPLANATION OF CHANGE: The department has made the following changes to address these concerns:

12 CSR 10-405.200(3)(A)—clarified the language regarding marital status of the applicant.

12 CSR 10-405.200(3)(B)—clarified the language regarding marital status of the applicant. Note that this section is now designated 12 CSR 10-405.200(3)(C) as a result of changes discussed further below.

12 CSR 10-405.200(3)(E)—clarified the language regarding marital status of the applicant and to specify the consequences of jointly held property with someone other than a spouse. Note that this section is now designated 12 CSR 10-405.200(3)(F) as a result of changes discussed further below.

12 CSR 10-405.200(4)(F)—clarified the language regarding when homestead property must have been purchased.

12 CSR 10-405.200(4)(J)—clarified the example to make clear that owning a life estate in the homestead property qualifies for the full credit.

12 CSR 10-405.200(4)(K)—clarified the example to make clear that the applicant may only have one (1) homestead property.

COMMENT: The 93rd General Assembly has truly agreed and finally passed House Bill 229, which makes trusts eligible for the credit.

RESPONSE AND EXPLANATION OF CHANGE: The department added a new section, 12 CSR 10-405.200(3)(B), to outline the requirements for trust eligibility. The department also made a conforming change to 12 CSR 10-405.200(4)(H). Note that the addition of 12 CSR 10-405.200(3)(B) required redesignation of the remaining subsections of 12 CSR 10-405.200(3).

COMMENT: The 93rd General Assembly has truly agreed and finally passed House Bill 229, which limits a disqualification for improvements to the homestead property.

RESPONSE AND EXPLANATION OF CHANGE: The department added language to 12 CSR 10-405.200(3)(F) to reflect the new limitation. Note that this section is now designated 12 CSR 10-405.200(3)(G) as a result of the redesignation discussed above. The department also made a conforming change to 12 CSR 10-

405.200(4)(R).

12 CSR 10-405.200 Homestead Preservation Credit—Qualifications and Amount of Credit

(3) Application of Rule.

(A) To qualify for the Homestead Preservation Credit, a taxpayer must fit one (1) of the following descriptions:

1. The taxpayer is at least sixty-five (65) years old on January 1 of the year of application or one hundred percent (100%) disabled and owns the homestead in the taxpayer’s name only;

2. The taxpayer is married and at least sixty-five (65) years old on January 1 of the year of application and owns the homestead individually or jointly with a spouse and the spouse is at least sixty (60) years old on January 1 of the year of application; or

3. The taxpayer owns the homestead jointly with a spouse and either the taxpayer or the spouse is one hundred percent (100%) disabled.

(B) If property is held in trust, the trust qualifies for the credit if the previous owner of the homestead:

1. Is the settler of the trust with respect to the homestead;

2. Currently resides in such homestead; and

3. Would qualify for the credit as an individual but for the transfer of the homestead to the trust.

(C) To qualify for the Homestead Preservation Credit, the taxpayer’s federal adjusted gross income for the tax year preceding the year of application must be equal to or less than the maximum upper limit. If the taxpayer is married and the homestead is owned individually or jointly with a spouse, the joint federal adjusted gross income of the taxpayer and spouse must be equal to or less than the maximum upper limit.

(D) To qualify for the Homestead Preservation Credit, the taxpayer’s property tax liability for the homestead, not including any increase due to improvements to the homestead, must increase from the year preceding the application year to the application year by more than two and one-half percent (2.5%) for applications filed in even numbered years or by more than five percent (5%) in odd numbered years.

(E) To qualify for the Homestead Preservation Credit, the taxpayer must have owned and paid property tax in full, including any interest and penalty, on the homestead for the two (2) calendar years prior to application, and must continue to own it during the year of application and the following year. The taxpayer must pay the property tax in full on the homestead for the year of application by December 31.

(F) The taxpayer does not qualify for the Homestead Preservation Credit if the taxpayer owns the homestead jointly with anyone other than a spouse. A title that provides that the homestead transfers to another on death does not disqualify a taxpayer or reduce the amount of the potential credit.

(G) The taxpayer does not qualify for the Homestead Preservation Credit if the appraised value of the homestead increased by more than five percent (5%) due to improvements made in the calendar year prior to application unless the improvements are made to accommodate a disabled person.

(H) A taxpayer who properly claims a property tax credit for the tax year preceding the year in which the application for the Homestead Preservation Credit is filed is disqualified from receiving the Homestead Preservation Credit.

(I) The amount of the credit is the amount by which the increase in the taxpayer’s liability from the year preceding the application to the application year, exclusive of any increase due to improvements to the homestead, exceeds a single, statewide percentage increase calculated to use all but one-quarter of one percent (1/4 of 1%) of the amount appropriated by the General Assembly to fund the credit.

(J) The credit is calculated annually based on the increase in liability between the application year and the prior year and does not carry forward to future years.

(4) Examples:

(F) Taxpayers purchased their home after January 1 two (2) years ago but before January 1 of the year before the application year. They are eligible for the Homestead Preservation Credit.

(H) Taxpayers live in a home that is titled in a trust for their benefit. Prior to transfer to the trust, the home was titled in taxpayers' name. Taxpayers currently reside in the home and meet the other eligibility requirements. Taxpayers qualify for the credit.

(J) Taxpayer owns a life estate in her home, and her son has a right of survivorship. Taxpayer is eligible for 100% of the Homestead Preservation Credit if she meets the other eligibility criteria.

(K) Taxpayers own two homes and spend equal time living in each. The taxpayers can claim the Homestead Preservation Credit for only the one home they have designated as their "homestead."

(P) Taxpayers' property tax liability increased four percent in a reassessment year. They are not eligible for a Homestead Preservation Credit because the difference in the property tax liability in a reassessment year must exceed five percent.

(Q) Taxpayers' property tax liability increased four percent in a non-reassessment year. Taxpayers are eligible for a Homestead Preservation Credit if they meet the other eligibility criteria because the difference in the property tax liability in a non-reassessment year must exceed two and one-half percent.

(R) Taxpayers' home is valued at \$60,000. In the past year they made improvements that increased the appraised value by \$8,000. The improvements were not made to accommodate a disabled person. Taxpayers are not eligible for the Homestead Preservation Credit because the value of the improvements exceeds five percent of the value of the home.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 20—Environmental Health and Communicable
Disease Prevention
Chapter 1—Food Protection**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health and Senior Services under sections 192.006, 196.190, 196.195, 196.210, 196.220, 196.225, 196.230, 196.235, 196.240, 196.245, 196.250 and 196.265, RSMo 2000 and 192.020, RSMo Supp. 2004, the director amends a rule as follows:

19 CSR 20-1.025 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2005 (30 MoReg 647-650). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received twenty-four (24) letters of comment on the proposed amendment.

COMMENT: Twenty-two (22) comments with one hundred forty-six (146) signatures were received from small business owners/operators in support of the proposed amendment.

RESPONSE: The department appreciates the comments of support.

COMMENT: Rebecca Hunt with the Madison County Health Department requested that we change the proposed added language to Chapter 1-201.10(B)(31)(c)(viii)(DD) in section (1)(B)5. of the proposed amendment from "that is not subject to inspection by the Department of Health and Senior Services" to "this is not subject to regulations or inspections by the local regulatory authority as directed by the Department of Health and Senior Services" and add "and

for honey, this product is not recommended for infants less than one year of age."

RESPONSE AND EXPLANATION OF CHANGE: The department has carefully considered the comments and has added the following language to the addition to Chapter 1-201.10(B)(31)(c)(viii)(DD) in section (1)(B)5. of the proposed amendment, "It is recommended that honey manufacturers/processors include this additional statement to its label, 'Honey is not recommended for infants less than twelve (12) months of age'."

COMMENT: The Missouri Association of Local Public Health Agencies requested that we require unpasteurized honey to bear a label warning of the risk of infant botulism in the addition to Chapter 1-201.10(B)(31)(c)(viii)(DD) in section (1)(B)5. of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: The department has carefully considered the comment and has added the following language to the addition to Chapter 1-201.10(B)(31)(c)(viii)(DD) in section (1)(B)5. of the proposed amendment, "It is recommended that honey manufacturers/processors include this additional statement to its label, 'Honey is not recommended for infants less than twelve (12) months of age'."

19 CSR 20-1.025 Sanitation of Food Establishments

(1) General.

(B) Exceptions to the incorporation by reference are as follows:

1. Chapter 1-103.10 Statement. Delete: "This Code establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities, and provides for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension." Substitute: "This Code establishes definitions, sets standards for management and personnel, food operations, equipment and facilities";

2. Chapter 1-201.10(B)(31)(a)(i) Delete: "Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and" Substitute: "Such as a restaurant; central preparation facility; catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending (location) operation, if the operation provides potentially hazardous foods; conveyance used to transport people; institution; or food bank; and";

3. Chapter 1-201.10(B)(31)(b)(i) Delete: "An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and" Substitute: "An element of the operation such as a transportation vehicle or a satellite catered feeding location, a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and";

4. Chapter 1-201.10(B)(31)(c)(vi) Delete: "A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or" Substitute: "A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 4, breakfast is the only meal offered, the number of guests served does not exceed 12, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the

registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or”;

5. Chapter 1-201.10(B)(31)(c)(viii) Add: “Where local codes allow, individual stands in which only foods meeting the following conditions are sold, sampled or served: (AA) Non-potentially hazardous processed foods, except low acid canned and acidified foods as specified in 21 CFR 113 and 114 respectively, including, but not limited to breads, cookies, fruit pies, jams, jellies, preserves, fruit butters, honey, sorghum, cracked nuts, packaged spices and spice mixes, dry cookie, cake, bread, and soup mixes; (BB) The seller is the individual actually producing the food or an immediate family member residing in the producer’s household with extensive knowledge about the food; (CC) The seller only sells, samples or serves the food directly to the end consumer; (DD) All processed packaged foods bear a label stating the name and address of the manufacturer/processor preparing the food, common name of the food, name of all the ingredients in the food and a statement that the product is prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services. It is recommended that honey manufacturers/processors include this additional statement to its label, “Honey is not recommended for infants less than twelve (12) months of age”; and (EE) The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services if the foods specified in Subparagraph 1-201.10 (B)(31)(c)(viii)(AA) are sold, sampled or served in unpackaged individual portions. The Department of Health and Senior Services shall have the final authority in determining whether a food is non-potentially hazardous and may enjoin individuals who violate the provisions of this section from selling, sampling or serving these foods.”;

6. Delete Chapter 1-201.10(B)(51) in its entirety;

7. Chapter 1-201.10(B)(52) Delete: “‘Permit holder’ means the entity that:

A. Is legally responsible for the operation of the food establishment such as the owner, the owner’s agent, or other person; and

B. Possesses a valid permit to operate a food establishment.” Substitute: “‘Operator’ means the entity that is legally responsible for the operation of the food establishment such as the owner, the owner’s agent, or other person”;

8. Chapter 1-201.10(B)(63)(a) Delete the term “permit holder” and substitute “operator”;

9. Chapter 1-201.10(B)(63)(b) Delete the term “permit holder” and substitute “operator”;

10. Chapter 1-201.10(B)(93) Add: “‘Vending operation’ means a commercial operation that stores, prepares, packages, serves, vends or otherwise preserves food products for and in vending machines and may consist of one or more vending locations”;

11. Chapter 1-201.10(B)(93) Modify “Warewashing” to “(94)”;

12. Chapter 1-201.10(B)(94) Modify “Whole-muscle, intact beef” to “(95)”;

13. Chapter 2-101.11 Delete the term “permit holder.” Substitute: “operator”;

14. Chapter 2-201.11 Delete the term “permit holder.” Substitute “operator”;

15. Delete Chapter 2-301.13 in its entirety;

16. Chapter 2-301.14 Add: “(I) Prior to use of gloves”;

17. Chapter 2-302.11(B) Delete: “Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.” Substitute: “While preparing food, employees shall not wear artificial nails or fingernail polish”;

18. Chapter 3-201.17 Add: “(C) Any political subdivision, elementary or secondary school or any charitable, religious, fraternal or other not-for-profit organization may prepare or serve wild game provided there is no charge for the wild game served as according to RSMo 252.244.”;

19. Chapter 3-202.11(C) Delete: “60°C (140°F):” Substitute: “57°C (135°F):”;

20. Chapter 3-304.12(F) Delete: “60°C (140°F):” Substitute: “57°C (135°F):”;

21. Chapter 3-401.11(D)(3) Delete: “The regulatory authority grants a variance from ¶ (A) or (B) of this Chapter as specified in § 8-103.10 based on a HACCP plan that:” Substitute: “The regulatory authority grants a variance from ¶ (A) or (B) of this Chapter as based on a HACCP plan that:”;

22. Chapter 3-401.11(D)(3)(a) Delete: “Is submitted by the permit holder and approved as specified under § 8-301.11,” Substitute: “The regulatory authority grants a variance from ¶ (A) or (B) of this chapter as based on a HACCP plan that is submitted by the operator and approved by the regulatory authority.”

23. Chapter 3-401.13 Delete: “60°C (140°F):” Substitute: “57°C (135°F):”;

24. Chapter 3-403.11(C) Delete: “60°C (140°F):” Substitute: “57°C (135°F):”;

25. Chapter 3-501.14(A)(1) Delete: “60°C (140°F):” Substitute: “57°C (135°F):”;

26. Chapter 3-501.16(A) Delete: “60°C (140°F):” Substitute: “57°C (135°F):”;

27. Chapter 3-501.16(C)(2) Delete: “Within 5 years of the regulatory authority’s adoption of this code, the equipment is upgraded or replaced to maintain food at a temperature of 5°C (41°F) or less.” Substitute: “Within 90 days of the adoption of this rule, all refrigeration equipment that is upgraded, replaced, or purchased must be able to maintain food temperatures of 41°F or below. If a refrigeration unit is found to be exceeding 45°F for 3 consecutive inspections, it shall be brought into compliance with 41°F or be replaced with a unit that is capable of maintaining product temperatures of 41°F or below”;

28. Chapter 3-502.11 Variance Requirement. Delete: “A food establishment shall obtain a variance from the regulatory authority as specified in § 8-103.10 and under § 8-103.11 before smoking food as a method of food preservation rather than as a method of flavor enhancement; curing food; brewing alcoholic beverages; using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous; packaging food using a reduced oxygen packaging method except as specified under § 3-502.12 where a barrier to *Clostridium botulinum* in addition to refrigeration exists; custom processing animals that are for personal use as food and not for sale or service in a food establishment; or preparing food by another method that is determined by the regulatory authority to require a variance.” Substitute: “A food establishment shall obtain a variance from the regulatory authority before smoking food as a method of food preservation rather than as a method of flavor enhancement; curing food; brewing alcoholic beverages; using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous; packaging food using a reduced oxygen packaging method except as specified under § 3-502.12 where a barrier to *Clostridium botulinum* in addition to refrigeration exists; custom processing animals that are for personal use as food and not for sale or service in a food establishment; or preparing food by another method that is determined by the regulatory authority to require a variance.”;

29. Delete inserted page titled: “Current Status of Consumer Advisory Language” in its entirety;

30. Chapter 3-603.11 Delete: “Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(3) and under ¶ 3-801.11(D), if animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the permit holder shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means of the significantly

increased risk associated with certain especially vulnerable consumers eating such foods in raw or undercooked form.” Substitute: “If an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the operator shall inform or disclose to consumers that the product is raw, undercooked, or not otherwise processed to eliminate pathogens.”;

31. Chapter 4-204.111(B)(2) Delete: “60°C (140°F):” Substitute: “57°C (135°F):”;

32. Delete Chapter 4-204.19 in its entirety;

33. Chapter 4-204.110(B) Delete: “Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the regulatory authority as specified in §8-103.10 and a HACCP plan that:” Substitute: “Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the regulatory authority and a HACCP plan that:”;

34. Chapter 4-204.110(B)(1) Delete: “Is submitted by the permit holder and approved as specified under § 8-103.11; and” Substitute: “Is submitted by the operator and approved by the regulatory authority; and”;

35. Delete Chapter 4-301.12(C)(5) in its entirety;

36. Delete “Chapter 4-301.12(C)(6)” Substitute: “Chapter 4-301.12(C)(5)”;

37. Delete Chapter 4-301.12(D) and (E) in their entirety;

38. Chapter 4-602.11(D)(7) Delete: “60°C (140°F):” Substitute: “57°C (135°F):”;

39. Delete Chapter 4-603.16(C) in its entirety;

40. Chapter 4-603.16(D)(2) Delete: “Wasted” Substitute: “Drained”;

41. Chapter 5-103.12 Delete: “Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under §§ 5-104.12(A) and (B) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.” Substitute: “Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under §§ 5-104.12(A) and (B) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure if approved.”;

42. Chapter 5-203.11(C) Delete: “If approved, when food exposure is limited and handwashing lavatories are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing.” Substitute: “If approved, when food exposure is limited to packaged food and handwashing lavatories are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes and/or approved hand sanitizers for handwashing.”;

43. Delete Chapter 5-203.15 in its entirety;

44. Delete Chapter 5-205.13 in its entirety;

45. Chapter 6-202.13(B) Delete: “Insect control devices shall be installed so that:” Substitute: “All other insect control devices shall be installed so that:”;

46. Chapter 6-202.17 Delete: “If located outside, a machine used to vend food shall be provided with overhead protection except that machines vending canned beverages need not meet this requirement.” Substitute: “If located outside, a machine used to vend food shall be provided with overhead protection except that machines designed for outdoor use need not meet this requirement.”;

47. Chapter 6-404.11 Delete the term “permit holder” and Substitute “operator”;

48. Delete Chapter 8 in its entirety;

49. Delete Annexes 1-7 in their entirety; and

50. Chapter 3-502.12(B) Delete: “A food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall have a HACCP plan that contains the information specified under ¶ 8-201.14(D) and that:” Substitute: “A food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall have a HACCP plan submitted by the operator and approved by the regulatory authority and that:”.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 6—Licensure of Athletic Trainers**

IN ADDITION

A proposed rule, 4 CSR 150-6.010, was published in the *Missouri Register* on April 1, 2005 (30 MoReg 622–623) and a final order of rulemaking was published in the *Missouri Register* on July 15, 2005 (30 MoReg 1575). The reference material publisher's address in subsection (1)(F) was erroneously printed in the proposed rule. Subsection (1)(F) appeared correctly in the July 31, 2005 update to the *Code of State Regulations*.

Subsection (1)(F) is reprinted here in its entirety for clarification.

4 CSR 150-6.010 Definitions

(1)(F) Educational quality equal—as defined in *Athletic Training Clinical Proficiencies*, 4th Edition, which is incorporated herein by reference as published by the NATA BOC or its successor agency, available upon request from this office or upon request from the NATA BOC, 4223 South 143rd Circle, Omaha, NE 68137-4505 or its successor agency. This rule does not incorporate any subsequent amendments or additions;

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 6—Licensure of Athletic Trainers**

IN ADDITION

A proposed amendment to 4 CSR 150-6.020 was published in the *Missouri Register* on April 1, 2005 (30 MoReg 623–624) and a final order of rulemaking was published in the *Missouri Register* on July 15, 2005 (30 MoReg 1575–1576). The reference material publisher's address in section (5) was erroneously printed in the proposed amendment. Section (5) appeared correctly in the July 31, 2005 update to the *Code of State Regulations*.

Section (5) is reprinted here in its entirety for clarification.

4 CSR 150-6.020 Applicants for Licensure as Athletic Trainers

(5) If the applicant is applying for licensure as an athletic trainer pursuant to 334.708.1(3), RSMo, they must provide proof which is acceptable to the board of experience and educational quality equal to that as required by section 334.708.1(1), RSMo. Said proof is set forth by a role delineation study completed by the NATA BOC, 4th Edition, 4223 South 143rd Circle, Omaha, NE 68137-4505 or its successor agency which is incorporated by reference and retained at the office of the board. This rule does not incorporate any subsequent amendments or additions.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

Notice of Dissolution to All Creditors of and Claimants Against Roofing Supply Warehouse, Inc.

On December 8, 2004, Roofing Supply Warehouse, Inc. filed its articles of dissolution with the Missouri Secretary of State. The dissolution was effective on that date.

You are hereby notified that if you believe you have a claim against Roofing Supply Warehouse, Inc., you must submit a summary in writing of the circumstances surrounding your claim to the Corporation in care of Steven J. Braun at 4550 Belleview, Kansas City, Missouri, 64111. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Roofing Supply Warehouse, Inc. will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

Notice is hereby given that Missouri Threaded Products, Inc., a Missouri corporation, with its registered office at One North Brentwood, St. Louis, Missouri 63105, has been dissolved as of June 3, 2005, pursuant to the provisions of The General and Business Corporation Law of Missouri. Missouri Threaded Products, Inc. requests that persons with claims against the corporation present the claims in accordance with the Missouri general corporate code. Any claim must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred and whether the claim is secured, and if so, the collateral used as security. The claim must be sent to Missouri Threaded Products, Inc., c/o Sanford S. Neuman, Esq., 101 South Hanley, Suite 1600, St. Louis, Missouri 63105. Any claim against Missouri Threaded Products, Inc., not otherwise barred, will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of the notices authorized by statute, whichever is published last.

**Rule Changes Since Update to
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003), 29 (2004) and 30 (2005). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861 29 MoReg 1610
1 CSR 10-8.010	Commissioner of Administration		This Issue		
1 CSR 15-3.290	Administrative Hearing Commission		30 MoReg 1437		
1 CSR 15-3.350	Administrative Hearing Commission		30 MoReg 1437		
1 CSR 15-3.380	Administrative Hearing Commission		30 MoReg 1438		
1 CSR 15-3.490	Administrative Hearing Commission		30 MoReg 1438		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		30 MoReg 1044		
1 CSR 40-1.060	Purchasing and Materials Management		30 MoReg 1527		
1 CSR 70-1.010	Missouri Assistive Technology Advisory Council (<i>Changed from 8 CSR 70-1.010</i>)		30 MoReg 1441		
1 CSR 70-1.020	Missouri Assistive Technology Advisory Council (<i>Changed from 8 CSR 70-1.020</i>)		30 MoReg 1441		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		30 MoReg 1529		
2 CSR 30-2.040	Animal Health		30 MoReg 685		
2 CSR 70-11.040	Plant Industries	30 MoReg 1433	30 MoReg 1438		
2 CSR 80-5.010	State Milk Board		30 MoReg 1044		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.117	Conservation Commission		30 MoReg 1112		
3 CSR 10-5.205	Conservation Commission		30 MoReg 1532		
3 CSR 10-5.420	Conservation Commission		30 MoReg 1533		
3 CSR 10-6.415	Conservation Commission		30 MoReg 1112		
3 CSR 10-6.535	Conservation Commission		30 MoReg 1113		
3 CSR 10-7.410	Conservation Commission		30 MoReg 1113		
			30 MoReg 1533		
3 CSR 10-7.431	Conservation Commission		N.A.	30 MoReg 1570	
3 CSR 10-7.432	Conservation Commission		N.A.	30 MoReg 1571	
3 CSR 10-7.433	Conservation Commission		N.A.	30 MoReg 1571	
3 CSR 10-7.434	Conservation Commission		N.A.	30 MoReg 1572	
3 CSR 10-7.437	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-7.438	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-7.455	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-9.110	Conservation Commission		30 MoReg 1114		
3 CSR 10-9.645	Conservation Commission		30 MoReg 1114		
3 CSR 10-10.744	Conservation Commission		30 MoReg 1115		
3 CSR 10-11.115	Conservation Commission		30 MoReg 1115		
3 CSR 10-12.109	Conservation Commission		30 MoReg 1115		
3 CSR 10-12.110	Conservation Commission		30 MoReg 1116		
3 CSR 10-12.115	Conservation Commission		30 MoReg 1116		
3 CSR 10-12.125	Conservation Commission		30 MoReg 1116		
3 CSR 10-12.140	Conservation Commission		30 MoReg 1117		
3 CSR 10-12.145	Conservation Commission		30 MoReg 1118		
3 CSR 10-12.150	Conservation Commission		30 MoReg 1119		
3 CSR 10-20.805	Conservation Commission		30 MoReg 1119		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 15-1.020	Acupuncturist Advisory Committee		30 MoReg 509	30 MoReg 1455	
4 CSR 15-1.030	Acupuncturist Advisory Committee		30 MoReg 509	30 MoReg 1455	
4 CSR 15-3.010	Acupuncturist Advisory Committee		30 MoReg 511	30 MoReg 1455	
4 CSR 30-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1301R 30 MoReg 1301		
4 CSR 30-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1305		
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1310		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1310R 30 MoReg 1310		
4 CSR 30-21.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1314		
4 CSR 40-3.011	Office of Athletics		30 MoReg 1314R 30 MoReg 1314		
4 CSR 40-4.090	Office of Athletics		30 MoReg 1317R 30 MoReg 1317		
4 CSR 40-5.030	Office of Athletics		30 MoReg 1321		
4 CSR 60-1.025	State Board of Barber Examiners		30 MoReg 763		
4 CSR 60-2.015	State Board of Barber Examiners		30 MoReg 763		
4 CSR 60-2.040	State Board of Barber Examiners		30 MoReg 764		
4 CSR 60-3.015	State Board of Barber Examiners		30 MoReg 768		
4 CSR 70-2.032	State Board of Chiropractic Examiners		30 MoReg 769		
4 CSR 70-2.040	State Board of Chiropractic Examiners		30 MoReg 772		
4 CSR 70-2.060	State Board of Chiropractic Examiners		30 MoReg 775		
4 CSR 70-2.070	State Board of Chiropractic Examiners		30 MoReg 775		
4 CSR 70-2.080	State Board of Chiropractic Examiners		30 MoReg 775		
4 CSR 70-2.090	State Board of Chiropractic Examiners		30 MoReg 782		
4 CSR 70-3.010	State Board of Chiropractic Examiners		30 MoReg 782		
4 CSR 95-1.020	Committee for Professional Counselors		This Issue		
4 CSR 100	Division of Credit Unions				30 MoReg 1081 30 MoReg 1460
4 CSR 110-2.071	Missouri Dental Board		30 MoReg 609	30 MoReg 1574	
4 CSR 110-2.090	Missouri Dental Board		30 MoReg 613R 30 MoReg 613	30 MoReg 1574R 30 MoReg 1574	
4 CSR 110-2.170	Missouri Dental Board		30 MoReg 616	30 MoReg 1574	
4 CSR 110-2.230	Missouri Dental Board		30 MoReg 1048		
4 CSR 110-2.240	Missouri Dental Board		30 MoReg 616	30 MoReg 1575	
4 CSR 110-2.260	Missouri Dental Board		30 MoReg 1048		
4 CSR 110-2.240	Missouri Dental Board		30 MoReg 616		
4 CSR 145-1.040	Missouri Board of Geologist Registration		30 MoReg 783		
4 CSR 145-2.060	Missouri Board of Geologist Registration		30 MoReg 784R 30 MoReg 784		
4 CSR 150-2.050	State Board of Registration for the Healing Arts		30 MoReg 788		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		30 MoReg 788		
4 CSR 150-2.125	State Board of Registration for the Healing Arts		30 MoReg 790		
4 CSR 150-2.153	State Board of Registration for the Healing Arts		30 MoReg 619	30 MoReg 1575	
4 CSR 150-3.010	State Board of Registration for the Healing Arts		30 MoReg 791		
4 CSR 150-3.060	State Board of Registration for the Healing Arts		30 MoReg 622	30 MoReg 1575	
4 CSR 150-4.055	State Board of Registration for the Healing Arts		30 MoReg 791		
4 CSR 150-6.010	State Board of Registration for the Healing Arts		30 MoReg 622R 30 MoReg 622	30 MoReg 1575R 30 MoReg 1575	This Issue
4 CSR 150-6.020	State Board of Registration for the Healing Arts		30 MoReg 623	30 MoReg 1575	This Issue
4 CSR 150-6.025	State Board of Registration for the Healing Arts		30 MoReg 624	30 MoReg 1576	
4 CSR 150-6.030	State Board of Registration for the Healing Arts		30 MoReg 624	30 MoReg 1576	
4 CSR 150-6.040	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.050	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.060	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.070	State Board of Registration for the Healing Arts		30 MoReg 626	30 MoReg 1577	
4 CSR 150-7.135	State Board of Registration for the Healing Arts		30 MoReg 626 30 MoReg 1440	30 MoReg 1577	
4 CSR 195-3.010	Division of Workforce Development		30 MoReg 1322R 30 MoReg 1323		
4 CSR 195-3.020	Division of Workforce Development		30 MoReg 1328		
4 CSR 220-1.010	State Board of Pharmacy		30 MoReg 42 30 MoReg 1119		
4 CSR 220-2.010	State Board of Pharmacy		30 MoReg 42 30 MoReg 1120		
4 CSR 220-2.020	State Board of Pharmacy		30 MoReg 43 30 MoReg 1120		
4 CSR 220-2.050	State Board of Pharmacy		30 MoReg 48 30 MoReg 1123		
4 CSR 220-2.100	State Board of Pharmacy		30 MoReg 1534		
4 CSR 220-4.010	State Board of Pharmacy		30 MoReg 1538		
4 CSR 220-5.020	State Board of Pharmacy		30 MoReg 1538		
4 CSR 220-5.030	State Board of Pharmacy		30 MoReg 48 30 MoReg 1123		
4 CSR 232-1.040	Missouri State Committee of Interpreters		30 MoReg 791		
4 CSR 232-2.030	Missouri State Committee of Interpreters		30 MoReg 792		
4 CSR 232-3.010	Missouri State Committee of Interpreters		30 MoReg 793		
4 CSR 232-3.030	Missouri State Committee of Interpreters		30 MoReg 793		
4 CSR 233-1.040	State Committee of Marital and Family Therapists		30 MoReg 511	30 MoReg 1455	
4 CSR 240-2.061	Public Service Commission		30 MoReg 687		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-2.071	Public Service Commission		30 MoReg 1332		
4 CSR 240-3.130	Public Service Commission		30 MoReg 627		
4 CSR 240-3.135	Public Service Commission		30 MoReg 628		
4 CSR 240-29.010	Public Service Commission		30 MoReg 49	30 MoReg 1373	
4 CSR 240-29.020	Public Service Commission		30 MoReg 50	30 MoReg 1380	
4 CSR 240-29.030	Public Service Commission		30 MoReg 52	30 MoReg 1382	
4 CSR 240-29.040	Public Service Commission		30 MoReg 53	30 MoReg 1384	
4 CSR 240-29.050	Public Service Commission		30 MoReg 53	30 MoReg 1389	
4 CSR 240-29.060	Public Service Commission		30 MoReg 58	30 MoReg 1392	
4 CSR 240-29.070	Public Service Commission		30 MoReg 58	30 MoReg 1392W	
4 CSR 240-29.080	Public Service Commission		30 MoReg 59	30 MoReg 1393	
4 CSR 240-29.090	Public Service Commission		30 MoReg 59	30 MoReg 1395	
4 CSR 240-29.100	Public Service Commission		30 MoReg 62	30 MoReg 1396	
4 CSR 240-29.110	Public Service Commission		30 MoReg 63	30 MoReg 1397W	
4 CSR 240-29.120	Public Service Commission		30 MoReg 63	30 MoReg 1398	
4 CSR 240-29.130	Public Service Commission		30 MoReg 64	30 MoReg 1398	
4 CSR 240-29.140	Public Service Commission		30 MoReg 65	30 MoReg 1399	
4 CSR 240-29.150	Public Service Commission		30 MoReg 66	30 MoReg 1400	
4 CSR 240-29.160	Public Service Commission		30 MoReg 67	30 MoReg 1400	
4 CSR 240-31.010	Public Service Commission	30 MoReg 1435	This Issue		
4 CSR 240-31.030	Public Service Commission		This Issue		
4 CSR 240-31.050	Public Service Commission	30 MoReg 1435	This Issue		
4 CSR 240-31.060	Public Service Commission		This Issue		
4 CSR 240-31.080	Public Service Commission		This Issue		
4 CSR 240-33.045	Public Service Commission		30 MoReg 573		
4 CSR 263-2.045	State Committee for Social Workers		30 MoReg 796		
4 CSR 263-2.047	State Committee for Social Workers		30 MoReg 796		
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		30 MoReg 516	30 MoReg 1456	

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 50-340.110	Division of School Improvement		30 MoReg 797R		
5 CSR 50-340.200	Division of School Improvement		This IssueR		
5 CSR 50-345.300	Division of School Improvement		This Issue		
5 CSR 80-800.200	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.220	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.230	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.260	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.270	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.280	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.290	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.350	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.360	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.380	Teacher Quality and Urban Education		This Issue		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 519	30 MoReg 1456	
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 519R	30 MoReg 1456R	
			30 MoReg 519	30 MoReg 1456	
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 1440		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 520	30 MoReg 1456	
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 520	30 MoReg 1456	
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 521	30 MoReg 1457	
5 CSR 100-200.220	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 522	30 MoReg 1457	

DEPARTMENT OF TRANSPORTATION

7 CSR 10-9.010	Missouri Highways and Transportation Commission		30 MoReg 689		
7 CSR 10-9.020	Missouri Highways and Transportation Commission		30 MoReg 689		
7 CSR 10-9.030	Missouri Highways and Transportation Commission		30 MoReg 691		
7 CSR 10-9.040	Missouri Highways and Transportation Commission		30 MoReg 692		
7 CSR 10-9.050	Missouri Highways and Transportation Commission		30 MoReg 692		
7 CSR 10-9.060	Missouri Highways and Transportation Commission		30 MoReg 693		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				30 MoReg 1177

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

8 CSR 70-1.010	Missouri Assistive Technology Advisory Council (<i>Changed to 1 CSR 70-1.010</i>)		30 MoReg 1441		
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council (<i>Changed to 1 CSR 70-1.020</i>)		30 MoReg 1441		

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DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.206	Director, Department of Mental Health		30 MoReg 629		
9 CSR 25-3.030	Fiscal Management		30 MoReg 441	30 MoReg 1170	
9 CSR 30-3.132	Certification Standards		30 MoReg 444	30 MoReg 1170	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-1.030	Air Conservation Commission		30 MoReg 1332		
10 CSR 10-2.390	Air Conservation Commission		30 MoReg 797		
10 CSR 10-5.480	Air Conservation Commission		30 MoReg 818		
10 CSR 10-6.065	Air Conservation Commission		30 MoReg 153	This Issue	30 MoReg 322
10 CSR 10-6.070	Air Conservation Commission		30 MoReg 635		
10 CSR 10-6.075	Air Conservation Commission		30 MoReg 636		
10 CSR 10-6.080	Air Conservation Commission		30 MoReg 638		
10 CSR 10-6.110	Air Conservation Commission		30 MoReg 1336		
10 CSR 10-6.360	Air Conservation Commission		30 MoReg 522		
10 CSR 10-6.380	Air Conservation Commission		30 MoReg 549		
10 CSR 10-6.390	Air Conservation Commission		30 MoReg 553		
10 CSR 20-7.015	Clean Water Commission		30 MoReg 838		
10 CSR 20-7.031	Clean Water Commission		30 MoReg 843		
10 CSR 23-3.060	Geological Survey and Resource Assessment Division		30 MoReg 975		
10 CSR 23-3.100	Geological Survey and Resource Assessment Division	30 MoReg 755			
10 CSR 23-5.050	Geological Survey and Resource Assessment Division	30 MoReg 760			
10 CSR 40-10.085	Land Reclamation Commission		30 MoReg 1124		
10 CSR 90-2.020	State Parks		29 MoReg 1726		
10 CSR 140-2.020	Division of Energy				30 MoReg 574
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-5.020	Office of the Director		30 MoReg 1539		
11 CSR 30-5.050	Office of the Director		30 MoReg 1539		
11 CSR 40-5.110	Division of Fire Safety		30 MoReg 1128		
11 CSR 45-1.090	Missouri Gaming Commission		30 MoReg 376	30 MoReg 1457	
11 CSR 45-5.180	Missouri Gaming Commission		This Issue		
11 CSR 45-5.181	Missouri Gaming Commission		This Issue		
11 CSR 45-5.190	Missouri Gaming Commission		30 MoReg 977		
11 CSR 45-5.200	Missouri Gaming Commission		30 MoReg 376	30 MoReg 1457	
11 CSR 45-5.210	Missouri Gaming Commission		30 MoReg 980		
11 CSR 45-1.090	Missouri Gaming Commission		30 MoReg 376		
11 CSR 45-9.030	Missouri Gaming Commission		30 MoReg 982		
11 CSR 45-30.040	Missouri Gaming Commission		30 MoReg 68	30 MoReg 1170	
11 CSR 45-30.135	Missouri Gaming Commission		30 MoReg 70	30 MoReg 1172	
11 CSR 45-30.355	Missouri Gaming Commission		30 MoReg 77	30 MoReg 1173	
11 CSR 80-9.020	Missouri State Water Patrol		30 MoReg 555	30 MoReg 1457	
DEPARTMENT OF REVENUE					
12 CSR 10-2.195	Director of Revenue		30 MoReg 982R		
12 CSR 10-23.428	Director of Revenue	30 MoReg 1491R	30 MoReg 1539R		
12 CSR 10-23.460	Director of Revenue		30 MoReg 167	30 MoReg 1175	
12 CSR 10-24.050	Director of Revenue		30 MoReg 1051		
12 CSR 10-24.428	Director of Revenue		30 MoReg 1051		
12 CSR 10-24.444	Director of Revenue		30 MoReg 1052		
12 CSR 10-24.448	Director of Revenue	This Issue	This Issue		
12 CSR 10-24.474	Director of Revenue		30 MoReg 1052		
12 CSR 10-25.050	Director of Revenue		30 MoReg 167	30 MoReg 1175	
12 CSR 10-26.040	Director of Revenue		30 MoReg 168	30 MoReg 1175W	
12 CSR 10-104.040	Director of Revenue		30 MoReg 83	30 MoReg 1175	
12 CSR 10-107.100	Director of Revenue		30 MoReg 1345		
12 CSR 10-110.400	Director of Revenue		30 MoReg 86	30 MoReg 1175	
12 CSR 10-400.200	Director of Revenue	30 MoReg 357	30 MoReg 379	30 MoReg 1176	
12 CSR 10-400.250	Director of Revenue		30 MoReg 93	30 MoReg 1176	
12 CSR 10-405.100	Director of Revenue	30 MoReg 603	30 MoReg 639	This Issue	
12 CSR 10-405.200	Director of Revenue	30 MoReg 604	30 MoReg 643	This Issue	
12 CSR 10-500.210	Director of Revenue		30 MoReg 1052		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-80.020	Children's Division	30 MoReg 1491	30 MoReg 1540		
13 CSR 40-2.200	Family Support Division		This Issue		
13 CSR 40-2.375	Family Support Division	30 MoReg 1436	30 MoReg 1441		
13 CSR 40-2.240	Family Support Division		30 MoReg 1540R		
13 CSR 40-2.380	Family Support Division		30 MoReg 1542R		
13 CSR 40-110.020	Family Support Division	30 MoReg 605R	30 MoReg 647R		
13 CSR 40-110.030	Family Support Division		30 MoReg 561		
13 CSR 70-2.020	Division of Medical Services	30 MoReg 1522R	30 MoReg 1542R		
13 CSR 70-3.020	Division of Medical Services		30 MoReg 1130		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 70-3.030	Division of Medical Services		30 MoReg 1345		
13 CSR 70-3.160	Division of Medical Services		30 MoReg 1130		
13 CSR 70-3.170	Division of Medical Services		30 MoReg 1444		
13 CSR 70-4.050	Division of Medical Services		30 MoReg 1350		
13 CSR 70-4.080	Division of Medical Services		30 MoReg 1131		
13 CSR 70-4.090	Division of Medical Services	30 MoReg 1522	30 MoReg 1544		
13 CSR 70-4.100	Division of Medical Services	30 MoReg 1109	30 MoReg 1137		
13 CSR 70-4.110	Division of Medical Services		30 MoReg 1354		
13 CSR 70-5.010	Division of Medical Services		30 MoReg 1357		
13 CSR 70-10.015	Division of Medical Services	30 MoReg 761 This Issue	30 MoReg 982		
13 CSR 70-10.080	Division of Medical Services	30 MoReg 761 This Issue	30 MoReg 987		
13 CSR 70-10.110	Division of Medical Services	30 MoReg 235	30 MoReg 272	30 MoReg 1401	
13 CSR 70-15.010	Division of Medical Services		30 MoReg 1549		
13 CSR 70-15.030	Division of Medical Services		30 MoReg 1554		
13 CSR 70-15.080	Division of Medical Services		30 MoReg 1556R		
13 CSR 70-15.110	Division of Medical Services	30 MoReg 1525	30 MoReg 1558		
13 CSR 70-15.160	Division of Medical Services		30 MoReg 1560		
13 CSR 70-26.010	Division of Medical Services		30 MoReg 383	30 MoReg 1401	
13 CSR 70-35.010	Division of Medical Services		30 MoReg 1562		
13 CSR 70-40.010	Division of Medical Services		30 MoReg 1448		
13 CSR 70-45.010	Division of Medical Services		This Issue		
13 CSR 70-60.010	Division of Medical Services		30 MoReg 1566		
13 CSR 70-90.010	Division of Medical Services		30 MoReg 1450		
13 CSR 70-91.010	Division of Medical Services		30 MoReg 1139		
13 CSR 70-97.010	Division of Medical Services		30 MoReg 1450		
13 CSR 70-99.010	Division of Medical Services		30 MoReg 1451		
ELECTED OFFICIALS					
15 CSR 40-3.120	State Auditor	29 MoReg 1639R	29 MoReg 2261		
15 CSR 40-3.130	State Auditor	29 MoReg 1639	29 MoReg 2262		
15 CSR 40-3.140	State Auditor	29 MoReg 1651	29 MoReg 2274		
15 CSR 40-3.150	State Auditor	29 MoReg 1661	29 MoReg 2284		
15 CSR 40-3.160	State Auditor	29 MoReg 1673	29 MoReg 2296		
15 CSR 60-13.060	Attorney General		30 MoReg 693		
RETIREMENT SYSTEMS					
16 CSR 50-2.110	The County Employees' Retirement Fund		30 MoReg 647	30 MoReg 1577	
16 CSR 50-10.050	The County Employees' Retirement Fund		30 MoReg 1139		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-33.050	Office of the Director		30 MoReg 444	30 MoReg 1401	
19 CSR 20-1.025	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 647	This Issue	
19 CSR 20-1.060	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1056R		
19 CSR 20-2.010	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1056R		
19 CSR 20-2.030	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1056R		
19 CSR 20-3.050	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1141R 30 MoReg 1141		
19 CSR 20-20.080	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1056		
19 CSR 25-36.010	Division of Administration		30 MoReg 453	30 MoReg 1402	
19 CSR 30-81.030	Division of Health Standards and Licensure	This Issue	This Issue		
19 CSR 30-82.050	Division of Health Standards and Licensure		29 MoReg 2305		
19 CSR 30-86.012	Division of Health Standards and Licensure		29 MoReg 2307	30 MoReg 725	
19 CSR 30-86.032	Division of Health Standards and Licensure		29 MoReg 2308	30 MoReg 725	
19 CSR 30-86.042	Division of Health Standards and Licensure		29 MoReg 2309		
19 CSR 60-50	Missouri Health Facilities Review Committee				30 MoReg 1081 30 MoReg 1404 30 MoReg 1578
19 CSR 60-50.430	Missouri Health Facilities Review Committee	30 MoReg 1525	30 MoReg 1569		
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		30 MoReg 1357		
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice				28 MoReg 489 29 MoReg 505 30 MoReg 481
20 CSR	Sovereign Immunity Limits				27 MoReg 2319 28 MoReg 2265 30 MoReg 108
20 CSR 200-6.600	Financial Examination		30 MoReg 698R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 300-2.200	Market Conduct Examinations		30 MoReg 988		
20 CSR 400-1.020	Life, Annuities and Health		30 MoReg 1068		
20 CSR 400-2.170	Life, Annuities and Health		29 MoReg 1755		
20 CSR 400-3.650	Life, Annuities and Health	30 MoReg 1219	30 MoReg 1358		
20 CSR 400-10.100	Life, Annuities and Health		30 MoReg 1159		
20 CSR 700-1.145	Licensing	30 MoReg 1043	30 MoReg 1068		
20 CSR 700-6.100	Licensing	29 MoReg 2209	29 MoReg 1587	30 MoReg 388	
20 CSR 700-6.100	Licensing	29 MoReg 2209	29 MoReg 1587	30 MoReg 388	
20 CSR 700-6.150	Licensing	29 MoReg 2209	29 MoReg 1590	30 MoReg 388	
20 CSR 700-6.160	Licensing		29 MoReg 1593	30 MoReg 389	
20 CSR 700-6.170	Licensing		29 MoReg 1597	30 MoReg 389	
20 CSR 700-6.200	Licensing		29 MoReg 1597	30 MoReg 389	
20 CSR 700-6.250	Licensing		29 MoReg 1598	30 MoReg 389	
20 CSR 700-6.300	Licensing		29 MoReg 1598	30 MoReg 389	
MISSOURI FAMILY TRUST					
21 CSR 10-1.010	Director and Board of Trustees		30 MoReg 1161		
21 CSR 10-1.020	Director and Board of Trustees		30 MoReg 1161		
21 CSR 10-1.030	Director and Board of Trustees		30 MoReg 1162		
21 CSR 10-2.010	Director and Board of Trustees		30 MoReg 1162		
21 CSR 10-3.010	Director and Board of Trustees		30 MoReg 1167		
21 CSR 10-4.010	Director and Board of Trustees		30 MoReg 1168		
21 CSR 10-4.020	Director and Board of Trustees		30 MoReg 1168		

Agency	Publication	Expiration
Department of Agriculture		
Plant Industries		
2 CSR 70-11.040 Bakanae of Rice Exterior Quarantine	30 MoReg 1433	November 23, 2005
Department of Economic Development		
Public Service Commission		
4 CSR 240-31.010 Definitions	30 MoReg 1435	February 15, 2006
4 CSR 240-31.050 Eligibility for Funding—Low-Income Customers and Disabled Customers	30 MoReg 1435	February 15, 2006
Department of Natural Resources		
Geological Survey and Resource Assessment Division		
10 CSR 23-3.100 Sensitive Areas	30 MoReg 755	September 27, 2005
10 CSR 23-5.050 Construction Standards for Closed-Loop Heat Pump Wells	30 MoReg 760	September 27, 2005
Department of Revenue		
Director of Revenue		
12 CSR 10-23.428 All Terrain Vehicles Modified for Highway Use	30 MoReg 1491	December 16, 2005
12 CSR 10-24.448 Documents Required for Issuance of a Driver or Nondriver License or Instruction Permit	This Issue	December 29, 2005
12 CSR 10-405.100 Homestead Preservation Credit—Procedures	30 MoReg 603	September 15, 2005
12 CSR 10-405.200 Homestead Preservation Credit—Qualifications and Amount of Credit	30 MoReg 604	September 15, 2005
Department of Social Services		
Children's Division		
13 CSR 35-80.020 Residential Care Agency Cost Reporting System	30 MoReg 1491	December 27, 2005
Family Support Division		
13 CSR 40-2.375 Medical Assistance for Families	30 MoReg 1436	December 27, 2005
13 CSR 40-110.020 Federal Income Tax Refund Offset Fee	30 MoReg 605	September 25, 2005
Division of Medical Services		
13 CSR 70-2.020 Scope of Medical Services for General Relief Recipients	30 MoReg 1522	December 27, 2005
13 CSR 70-4.090 Uninsured Women's Health Program	30 MoReg 1522	December 27, 2005
13 CSR 70-4.100 Preventing Medicaid Payment of Expenses Used to Meet Spenddown	30 MoReg 1109	October 31, 2005
13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services	30 MoReg 761	September 27, 2005
13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services	This Issue	December 27, 2005
13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services	30 MoReg 761	September 27, 2005
13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services	This Issue	December 27, 2005
13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)	30 MoReg 1525	December 13, 2005
Department of Health and Senior Services		
Division of Senior Services and Regulation		
19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities	This Issue	December 27, 2005
Missouri Health Facilities Review Committee		
19 CSR 60-50.430 Application Package	30 MoReg 1525	December 30, 2005
Department of Insurance		
Life, Annuities and Health		
20 CSR 400-3.650 Medicare Supplement Insurance Minimum Standards Act	30 MoReg 1219	February 2, 2006
Licensing		
20 CSR 700-1.145 Demonstrating Incompetence, Untrustworthiness or Financial Irresponsibility in the Conduct of Variable Life and Variable Annuity Business by Insurance Producers	30 MoReg 1043	January 1, 2006

Executive Orders

Executive Orders	Subject Matter	Filed Date	Publication
2005			
05-01	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
05-02	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
05-03	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
05-04	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
05-05	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
05-06	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
05-07	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
05-08	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
05-09	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
05-10	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
05-11	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
05-12	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
05-13	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
05-14	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
05-15	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	This Issue
05-16	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	This Issue
05-17	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	Next Issue
05-18	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	Next Issue
05-19	Creates and establishes the Insurance Advisory Panel	July 19, 2005	September 1, 2005
05-20	Establishes the Missouri Homeland Security Advisory Council	July 21, 2005	September 1, 2005

2004

04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533
04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965

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04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-19	Implements the EMAC with the State of Florida, activates the EMAC plan, and authorizes the use of the Missouri National Guard	September 10, 2004	29 MoReg 1430
04-20	Reestablishes the Poultry Industry Committee	September 14, 2004	29 MoReg 1432
04-21	Directs the creation of the Forest Utilization Committee within the Missouri Department of Conservation	September 14, 2004	29 MoReg 1434
04-22	Requests health care providers limit influenza vaccinations to high risk persons. Orders various actions by providers, Missouri Department of Health and Senior Services, and Attorney General's Office regarding influenza vaccine supply.	October 25, 2004	29 MoReg 1683
04-23	Creates the Forest Utilization Committee within the Missouri Department of Conservation. Supersedes and rescinds Executive Order 04-21	October 22, 2004	29 MoReg 1685
04-24	Rescinds Executive Order 03-15	October 22, 2004	29 MoReg 1687
04-25	Rescinds Executive Order 03-27	October 22, 2004	29 MoReg 1688
04-26	Authorizes Adjutant General to recognize Noncommissioned Officers with a First Sergeant's ribbon	November 1, 2004	29 MoReg 1791
04-27	Closes state offices Friday November 26, 2004	November 1, 2004	29 MoReg 1792
04-28	Closes state offices Monday, January 10, 2005	December 6, 2004	29 MoReg 2256
04-29	Rescinds Executive Order 04-22	January 4, 2005	30 MoReg 147

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